

Also, petition of United Master Butchers' Association of New York, asking repeal of tax of 10 cents per pound on colored butterine—to the Committee on Ways and Means.

Also, petition of the Public Education Association of New York, favoring passage of H. R. 24148, for the establishment of a child labor bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of the Chamber of Commerce of Pittsburg, Pa., asking passage of liberal river and harbor bill in the special session—to the Committee on River and Harbors.

Also, petition of the Star Egg Carrier and Tray Company, of Rochester, N. Y., favoring passage of H. R. 21929—to the Committee on the Judiciary.

By Mr. MALBY: Petition of residents of Tuxedo Park, N. Y., favoring H. R. 24148, to provide for a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. OVERSTREET: Petition of the Progress Club of South Bend, Ind., favoring H. R. 24148, to establish in the Department of the Interior a children's bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Woman's Missionary Society of the First Presbyterian Church of South Bend, Ind., favoring H. R. 24148, for the establishment of a children's bureau—to the Committee on Expenditures in the Interior Department.

By Mr. PAYNE: Petition of Manchester Grange, No. 501, for parcels-post and postal saving bank bills—to the Committee on the Post-Office and Post-Roads.

Also, petition of John R. Wilson and others, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. REEDER: Petition of citizens of Kansas, favoring the Littlefield-Bacon bill—to the Committee on the Judiciary.

By Mr. ROBINSON: Petition of J. L. Williams and others, asking that the duty on lumber remain at its present rate—to the Committee on Ways and Means.

By Mr. RYAN: Petition of Trades League of Philadelphia, Pa., to increase power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of Chamber of Commerce of Pittsburg, favoring appropriation of \$50,000,000 annually for improvement of inland waterways—to the Committee on Rivers and Harbors.

Also, petition of commercial and industrial organizations of Indiana, favoring the ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chicago Surgical Trade Association, against removal of duty on surgical instruments—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Chamber of Commerce of Pittsburg, favoring a river and harbor bill for the extra session of the Sixty-first Congress—to the Committee on Rivers and Harbors.

Also, petition of the Chamber of Commerce of Pittsburg, favoring an appropriation of \$50,000,000 yearly for internal waterway improvements—to the Committee on Rivers and Harbors.

Also, petition of P. W. Wilde, for a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. SWASEY: Petition of Oxford County Pomona Grange, of South Paris, favoring constitutional amendment granting equal suffrage to women—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of William Foye—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: Petition of Homer Monroe, of Sidney, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of many citizens of Michigan, for removal of the duty on hides—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of many citizens of Arkansas, favoring reduction of duty on lumber—to the Committee on Ways and Means.

By Mr. WANGER: Petition of Pottstown (Pa.) Lodge, Benevolent and Protective Order of Elks, for reservation in Wyoming for the care of the American elk—to the Committee on the Public Lands.

Also, petition of Trades League of Philadelphia, in favor of such amendments to the interstate-commerce act as will protect the interest of shippers from damage arising from misquotation of freight rates by carriers—to the Committee on Interstate and Foreign Commerce.

Also, petition of Allied Agricultural Organizations of Pennsylvania, in favor of H. R. 18204, known as the "Davis bill on industrial education"—to the Committee on Agriculture.

Also, petition of Allied Agricultural Organizations of Pennsylvania, favoring H. R. 21318, regulating manufacture, sale, or transportation of insecticides and fungicides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pennsylvania Child Labor Association, favoring H. R. 24148, for establishment of children's bureau in the Interior Department—to the Committee on Expenditures in the Interior Department.

By Mr. WEBB: Petition of citizens of Newbern, N. C., against repeal of the duty on lumber—to the Committee on Ways and Means.

Also, petition of citizens of Gaston, N. C., favoring a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. WEISSE: Petition of Fond du Lac (Wis.) Benevolent and Protective Order of Elks, favoring an elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of W. S. H. S., of Madison, Wis., in favor of H. R. 21318, relating to fungicides—to the Committee on Interstate and Foreign Commerce.

By Mr. WHEELER: Petition of Peter C. Curry and 22 others, urging removal of duty on hides—to the Committee on Ways and Means.

By Mr. WOOD: Paper to accompany bill for relief of Michael Fanley—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, February 20, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 2982) to codify, revise, and amend the penal laws of the United States with an amendment, asks a conference with the Senate on the bill and amendment, and had appointed Mr. MOON of Pennsylvania, Mr. PARSONS, and Mr. SHERLEY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee managers at the conference on the part of the House.

The message further announced that the House had agreed to concurrent resolution 100 of the Senate, authorizing the cancellation of the signature of the Speaker of the House of Representatives, the Vice-President of the United States, and President of the Senate to the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De Witt Willcox decoration and diploma presented by Government of France, and providing for the correct enrollment of the bill.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 27068. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes; and

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 8048. An act to withdraw from settlement and entry certain lands in the State of California; and

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells.

MAJ. C. DE W. WILLCOX.

The VICE-PRESIDENT. Under Senate concurrent resolution No. 100 the Chair announces the cancellation of his signature to the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by the Government of France.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of South Dakota, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
HOUSE OF REPRESENTATIVES.

House joint resolution 7.

Joint resolution and memorial requesting Congress, under the provision of Article V of the Constitution of the United States, to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited and Congress given power to enforce such prohibition by appropriate legislation.

Be it resolved by the house of representatives and senate concurring: Whereas it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof, by placing the subject under federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now therefore be it

Resolved, That application be, and hereby is, made to Congress, under the provision of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States now in session, or when next convened, be, and they are hereby, respectfully requested to join in this application by the adoption of this or any equivalent resolution.

Resolved further, That the secretary of state be, and hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States and to the several Members of said bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota:*

I, Samuel C. Polley, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 7, as passed by the legislature of 1909, together with the indorsements thereon and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre, this 6th day of February, 1909.

[SEAL.]

SAMUEL C. POLLEY,
Secretary of State.

I hereby certify that the within act originated in the house and was known in the house files as "Joint resolution No. 7."

JAMES W. CONE,
Chief Clerk.

STATE OF SOUTH DAKOTA, *Office of Secretary of State, ss:*

Filed February 5, 1909, at 3.45 p. m.

SAMUEL C. POLLEY,
Secretary of State.

A joint resolution requesting Congress, under the provision of Article V of the Constitution of the United States, to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited, and Congress given power to enforce such prohibition by appropriate legislation.

M. J. CHANEY,
Speaker of the House.

Attest:
JAMES W. CONE,
Chief Clerk.

HOWARD C. SHOBER,
President of the Senate.

Attest:
L. M. SIMONS,
Secretary of the Senate.

Mr. FRYE presented a petition of Local Lodge No. 964, Benevolent and Protective Order of Elks, of Augusta, Me., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CULLOM. I present resolutions adopted at the Consular Conference of Industrial and Commercial Organizations, held January 18, 1909, at the New Willard Hotel, Washington, D. C., favoring the adoption of a complete system of examination, appointment, and promotion of consular officials. It is an important paper; and as it is very brief, I ask that it be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

At the Consular Conference of Industrial and Commercial Organizations, held January 18, 1909, at the New Willard Hotel, Washington, D. C., the following resolutions were unanimously adopted:

Whereas as America must reach out for a vastly increased foreign trade, and just as every business house requires a high efficiency and the best possible training of its own employees, so must the Nation have in its consular service men of especial business ability and training, of high commercial honor and capacity. Therefore, be it

Resolved, That this conference of the business interests of the United States, held in the city of Washington this 18th day of January, 1909, urges upon Congress the enactment, at the earliest possible date, of a law embodying the principles in Senate bill 7804 and House bill 22883, the essential provisions of which are the adoption of a complete system of examination, appointment, and promotion of consular officials and thorough Americanization of the service; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Senate Committee on Foreign Relations, and to the Committee on Foreign Affairs of the House of Representatives.

Mr. CULLOM presented a petition of the National Business League of America of Chicago, Ill., praying for the enactment of legislation to create a nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the National Business League of America of Chicago, Ill., remonstrating against the enactment of legislation to create a national consular school, which was referred to the Committee on Commerce.

Mr. PLATT presented a joint memorial of the legislature of New Mexico, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Council joint memorial 4. By Mr. Hanley.

Memorial asking the immediate admission of New Mexico into the Union as a State in compliance with the recent pledges of the two great political parties of the United States.

Your memorialists, the thirty-eighth legislative assembly of the Territory of New Mexico, representing the united sentiment of the people of this Territory, as well as the sentiment of the people of the various States of the Union, as repeatedly expressed in party platforms of the two great political parties of the country, and especially in the two last national platforms of the Republican and Democratic parties of the United States, renew their demand for the admission of this Territory into the Union as a State.

We have now arrived at a point in our history when to further delay this much-desired boon to us would be to discriminate against us as American citizens without cause or excuse. Our population, our wealth, our great area, and our admirable system of public schools are so well and favorably known that it is hardly necessary to refer to them again, but lest all of our Senators and Representatives may not have kept our steady progress in mind, we, at the risk of repetition, submit a few facts for their consideration:

On the 1st day of January, 1909, our population was.....	400,000
Our gold production for the year was.....	\$300,000
Our silver production was.....	500,000
Our copper production was.....	8,000,000
Our lead production was.....	2,000
Our coal production was.....	2,500,000
Our iron production was.....	125,000

There are in this Territory 120 newspapers, 70 banks, 3,000 miles of railroad, 2,500,000 acres of land under cultivation, 400,000 acres under irrigation, 2,000,000 acres capable of irrigation, 13,000,000 acres capable of dry farming, 40,000,000 acres open for private entry. Our taxable property has a valuation of more than \$250,000,000. For the last sixty years we have been contributing our money to the support of the General Government without any voice as to how the money thus contributed should be expended. The system of government under which we exist is not only unrepresentative, but in its character is autocratic, and opens the door for many abuses. A territorial form of government is wholly incompatible with the interest of the people. It is intolerable to the average American citizen, and is only intended to endure for the brief time required to prepare for statehood. A procrastination of this right is not justified beyond the point of the inability of the people to support and maintain a state government.

To keep a Territory like New Mexico in territorial bondage when the necessity for so doing has long since ceased to exist, is an unpardonable wrong to over 400,000 people, whose record is that of unswerving loyalty and devotion to the General Government: Therefore be it

Resolved, That the secretary of the Territory be, and he hereby is, directed to transmit a certified copy of this memorial to the President of the United States, to the President of the United States Senate, to the Speaker of the House of National Representatives, to the members of the Committees on Territories in both Houses of Congress, and to individual Members and to the Delegate in Congress from this Territory.

CHAS. A. SPIESS,
President of the Council.
WM. F. BROGAN,
Chief Clerk of the Council.
E. A. MIERA,
Speaker House of Representatives.
E. H. SALAZAR,
Chief Clerk House of Representatives.

Approved this 10th day of February, A. D. 1909.

NATHAN JAFFA,
Acting Governor of the Territory of New Mexico.

Filed in office of secretary of New Mexico February 11, 1909, 10.15 a. m.

NATHAN JAFFA, *Secretary.*

I, Nathan Jaffa, secretary of the Territory of New Mexico, do hereby certify that I have compared the foregoing copy of council joint memorial No. 4, passed by the thirty-eighth session of the legislative assembly of the Territory of New Mexico and approved on February

10, A. D. 1909, with the enrolled and engrossed original now on file in this office, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the Territory of New Mexico, at Santa Fe, the capital, this the 11th day of February, A. D. 1909.

[SEAL.]

NATHAN JAFFA,
Secretary of New Mexico.

He also presented a memorial of the New York Antisaloon League, of New York City, N. Y., remonstrating against the adoption of certain proposed amendments to the agricultural appropriation bill relating to the Bureau of Chemistry, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of S. J. Vickers, of New York City, N. Y., praying for the passage of the so-called "Burkett-Foelker antigambling race bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Congregational Church of Reed Corners, N. Y., and the petition of William B. Cliff, of Rochester, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 101, Benevolent and Protective Order of Elks, of Amsterdam, N. Y., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Council of Jewish Women, of Rochester, N. Y., and a petition of the superintendent of the Hebrew Orphan Asylum of New York City, N. Y., praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a petition of Manchester Grange, No. 501, Patrons of Husbandry, of Shortsville, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New York State Retail Hardware Association, of Rochester, N. Y., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of Local Lodge No. 845, of Red Wing, of Local Lodge No. 414, of Austin, and of Local Lodge No. 327, of Winona, all of the Benevolent and Protective Order of Elks, in the State of Minnesota, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BRANDEGEE presented petitions of Local Lodge No. 19, of Hartford, of Local Lodge No. 372, of Torrington, and of Local Lodge No. 771, of Middletown, all of the Benevolent and Protective Order of Elks, in the State of Connecticut, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 91, Patrons of Husbandry, of Seymour, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRAZIER presented petitions of Local Lodge No. 601, of Clarksville, of Local Lodge No. 160, of Knoxville, of Local Lodge No. 1029, of Murfreesboro, of Local Lodge No. 192, of Jackson, and of Local Lodge No. 91, of Chattanooga, all of the Benevolent and Protective Order of Elks, in the State of Tennessee, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BROWN presented a petition of the Dempster Manufacturing Company, of Beatrice, Nebr., praying for the appointment of a nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the North Platte Valley Water Users' Association of the State of Nebraska, praying for the adoption of certain amendments to the present law appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, which was referred to the Committee on Public Lands.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 7087) to modify the boundary lines of the Priest River National Forest in Idaho, which were referred to the Committee on Public Lands.

Mr. CURTIS presented a concurrent resolution of the legislature of Kansas, which was referred to the Committee on the Judiciary and ordered to be printed in the Record, as follows:

Senate concurrent resolution 19.

Whereas under the laws of the United States concerning internal revenue, the United States Government issues licenses to wholesale and retail dealers in intoxicating liquors in Kansas, thus authorizing such dealers, so far as the United States is concerned, to sell intoxicating liquor without regard to the right of such dealers so to do under the constitution and the laws of the State of Kansas; and

Whereas such practice on the part of the United States seriously interferes with the execution of the laws of Kansas and encourages the violation thereof: Therefore be it

Resolved by the senate of the State of Kansas (the house of representatives concurring therein), That we instruct our Senators and request our Representatives in Congress to use all honorable means to secure the enactment in Congress of such laws as will prohibit the issuance of liquor licenses, as aforesaid, to anyone except in cases where the persons applying for such licenses are shown to be entitled under the laws of Kansas to engage in the business of handling and selling such intoxicating liquors: Be it further

Resolved, That it is the sense of this legislature that the law governing interstate commerce should be so amended that no common carrier can transport into the State of Kansas any article or articles prohibited to be kept or sold in this State by the constitution thereof: And be it further

Resolved, That a copy of this resolution, signed by the president of the senate and the speaker of the house and certified by the secretary of the senate and the clerk of the house, be immediately transmitted to each Senator and Representative of the State of Kansas in Congress. I hereby certify that the above concurrent resolution originated in the senate and passed that body February 5, 1909.

W. J. FITZGERALD,
President of the Senate.
Z. E. WYANT,
Secretary of the Senate.

Passed the house February 6, 1909.

J. N. DOLLEY,
Speaker of the House.
W. T. BECK,
Chief Clerk of the House.

Approved February 11, 1909.

W. R. STUBBS,
Governor.

STATE OF KANSAS,
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 13th day of February, 1909.

[SEAL.]

C. E. DENTON,
Secretary of State,
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. WARREN. I present a petition relating to the preservation of the elk. I may state that the legislature of Wyoming has just made an appropriation of several thousand dollars for their protection. The petition is a very short one. I ask unanimous consent to have it printed in the Record, and that it be referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the petition was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the Record, as follows:

RAWLINS (WYO.) LODGE 609 OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA.

RAWLINS, WYO., February 9, 1909.

Hon. FRANCIS E. WARREN,
Washington, D. C.

DEAR SIR: The following resolution was unanimously adopted at the last regular meeting of this lodge, and in pursuance of same we submit it to you for your attention and trust that you will do everything in your power to secure the passage of the desired legislation:

Whereas the Benevolent and Protective Order of Elks of the United States of America is now endeavoring to secure from the Congress of the United States legislation which will create a reserve in the State of Wyoming for the care and maintenance of the American elk, from which our order derives its name; and

Whereas such legislation will involve an appropriation of about \$30,000; and

Whereas our order is profoundly interested in securing legislation: Now therefore be it

Resolved, That this lodge of Elks does hereby earnestly request and urge upon the United States Senators from this State and the Congressman from this district to aid in every legitimate manner the passage of such legislation; and be it further

Resolved, That a copy of this resolution be at once forwarded to the said United States Senators and Congressman by the exalted ruler and secretary of this lodge.

Respectfully submitted.

[SEAL.]

C. R. WATSON, Exalted Ruler.

Mr. HALE presented a petition of Local Lodge, No. 964, Benevolent and Protective Order of Elks, of Augusta, Me., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the

American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SCOTT presented a petition of sundry citizens of Ravenswood, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Audubon Society of the State of Rhode Island, praying for the enactment of legislation providing for the protection of migratory game birds, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURNHAM presented petitions of Local Lodge No. 879, of Claremont; of Local Lodge No. 146, of Manchester; and of Local Lodge No. 618, of Berlin, all of the Benevolent and Protective Order of Elks, in the State of New Hampshire, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of M. W. Hale and sundry other citizens of Surry, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the board of directors of the Nashua Trust Company, of Nashua, N. H., remonstrating against the passage of the so-called "postal savings banks" bill, which was ordered to lie on the table.

He also presented the petition of James Tucker and sundry other citizens of the State of Washington, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LONG presented a concurrent resolution of the legislature of Kansas, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 19.

Whereas under the laws of the United States concerning internal revenue the United States Government issues licenses to wholesale and retail dealers in intoxicating liquors in Kansas, thus authorizing such dealers, so far as the United States is concerned, to sell intoxicating liquor without regard to the right of such dealers so to do under the constitution and the laws of the State of Kansas and:

Whereas such practice on the part of the United States seriously interferes with the execution of the laws of Kansas, and encourages the violation thereof: Therefore be it

Resolved by the senate of the State of Kansas (the house of representatives concurring therein), That we instruct our Senators and request our Representatives in Congress to use all honorable means to secure the enactment in Congress of such laws as will prohibit the issuance of liquor licenses as aforesaid to anyone except in cases where the persons applying for such licenses are shown to be entitled under the laws of Kansas to engage in the business of handling and selling such intoxicating liquors: Be it further

Resolved, That it is the sense of this legislature that the law governing interstate commerce should be so amended that no common carrier can transport into the State of Kansas any article or articles prohibited to be kept or sold in this State by the constitution thereof: And be it further

Resolved, That a copy of this resolution, signed by the president of the senate and the speaker of the house and certified by the secretary of the senate and the clerk of the house, be immediately transmitted to each Senator and Representative of the State of Kansas in Congress.

W. J. FITZGERALD,
President of the Senate.

I hereby certify that the above concurrent resolution originated in the senate, and passed that body February 5, 1909.

Z. E. WYANT,
Secretary of the Senate.

Passed the house February 6, 1909.

J. N. DOLLEY,
Speaker of the House.
W. T. BECK,
Chief Clerk of the House.

Approved February 11, 1909.

W. R. STUBBS,
Governor.
STATE OF KANSAS,
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal this 13th day of February, 1909.

[SEAL.]

C. E. DENTON,
Secretary of State.
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. LONG presented a petition of Local Lodge No. 412, Benevolent and Protective Order of Elks, of Pittsburg, Kans., and a petition of Local Lodge No. 595, Benevolent and Protective Order of Elks, of Lawrence, Kans., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Christian Temperance Union of Mound, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Mercantile Club of Kansas City, Kans., praying for the enactment of legislation providing for the construction of public roads in the Territory of Alaska, which was referred to the Committee on Territories.

Mr. DEPEW presented petitions of Local Lodge No. 748, of Cortland; of Local Lodge No. 161, of Saratoga; and of Local Lodge No. 645, of Port Jervis, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 418, Patrons of Husbandry, of Stafford, N. Y., and a petition of Manchester Grange, No. 501, Patrons of Husbandry, of Shortsville, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings bank" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the New York Yearly Meeting of the Religious Society of Friends and of sundry church organizations of Brooklyn, in the State of New York, remonstrating against any further appropriation being made for the increase of the navy, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills and joint resolution, submitted adverse reports thereon, which were agreed to, and the bills and joint resolution were postponed indefinitely:

A bill (S. 9299) to regulate the price of gas in the District of Columbia, and for other purposes (Report No. 1048);

A bill (H. R. 18513) to repeal section 5 of an act entitled "An act relating to the sale of gas in the District of Columbia," approved June 6, 1896 (Report No. 1049);

A bill (S. 8655) to require the Washington Gaslight Company and the Georgetown Gaslight Company to maintain and record a certain pressure of gas (Report No. 1050); and

A joint resolution (S. R. 11) suspending section 5 of the act of Congress entitled "An act regulating the sale of gas in the District of Columbia," and the jurisdiction of the supreme court of the District of Columbia thereunder (Report No. 1051).

Mr. GALLINGER. Yesterday I reported a bill in the nature of a substitute for the several bills which have just been indefinitely postponed. I then said that I would at an early day file a written report. I now present that report (No. 1054) and ask that 100 additional copies of the bill and report be printed for the use of the Committee on the district of Columbia.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. PAYNTER, from the Committee on Claims, to whom was referred the bill (S. 8183) for the relief of the several States under the act of July 8, 1898, and acts amendatory thereto, reported it with amendment and submitted a report (No. 1052) thereon.

Mr. GUGGENHEIM, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3237) for the relief of C. E. Moore, reported it without amendment and submitted a report (No. 1053) thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 18th instant, authorizing the Secretary of the Treasury to cover into the general fund of the Treasury any unexpended balance that may still remain of the appropriation of \$3,000,000 made by the deficiency act of March 3, 1899, etc., intended to be proposed by him to the general deficiency appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

NATIONAL CONSERVATION COMMISSION.

Mr. PLATT. I am directed by the Committee on Printing, to whom was referred Senate concurrent resolution 97, submitted by the Senator from Minnesota [Mr. NELSON] on the 17th instant, to report as a substitute a joint resolution, and I ask unanimous consent for its present consideration.

The joint resolution (S. R. 138) to provide for the printing of 25,000 copies of a portion of the report of the National Conservation Commission was read the first time by its title and the second time at length, as follows:

Resolved, etc., That there be printed and bound in cloth 25,000 copies of a portion of the report of the National Conservation Commission, consisting of the message of the President transmitting the report of the commission, the report proper of the commission, summaries of the four sections of the full report, a statement by the secretary of the

commission, and the proceedings of the Joint Conservation Conference, of which 6,500 copies shall be for the use of the Senate, 13,000 copies for the use of the House of Representatives, and 5,500 copies for distribution by the National Conservation Commission.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution No. 293, submitted yesterday by the Senator from New Hampshire [Mr. GALLINGER], to report it favorably with an amendment, and I ask for its present consideration, as follows:

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the Committee on the District of Columbia be, and hereby is, authorized and directed by subcommittee or otherwise, to examine into all matters relating to the government of the District of Columbia, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recesses or sessions of the Senate, to send for persons and papers, to administer oaths, and to employ such assistance as may be necessary, the expense to be paid from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The amendment was, in line 4, after the word "the," to strike out the words "government of the," so as to read "to examine into all matters relating to the District of Columbia."

The amendment was agreed to.

The resolution as amended was agreed to.

JOINT COMMITTEE ON PRINTING.

Mr. ELKINS. I am directed by the Committee on Printing to report a joint resolution. It has been agreed on by the House Committee on Printing as well as by the Senate committee. I ask for its present consideration.

The joint resolution (S. R. 139) amending section 1 of an act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That section 1 of an act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, be amended by striking out the whole of said section and substituting in lieu thereof the following:

"That the Committee on Printing of the Senate and the Committee on Printing of the House of Representatives, each to consist of three Members of their respective Houses, shall constitute a Joint Committee on Printing, who shall have the powers hereinafter stated, and the Speaker of the House of Representatives, before the termination of the last session of each Congress, including the Sixtieth Congress, shall appoint from the Representatives elected to the succeeding Congress a temporary Committee on Printing consisting of three members, who shall have the same powers and perform the same duties as are now imposed by law and the rules of the House of Representatives upon the regularly appointed Committee on Printing for the House of Representatives until the organization of the succeeding Congress and the appointment of a regular Committee on Printing.

"SEC. 2. In addition to the duties now imposed and the powers conferred upon the Joint Committee on Printing, the said joint committee is hereby authorized to inquire at any time into the subject of the public printing and binding for Congress and for the various executive departments and government establishments not connected with an executive department, and to report to Congress from time to time any abuses in the public printing and binding, and to recommend to Congress such remedies as in their judgment may seem proper; and the said Joint Committee on Printing is hereby authorized to send for or subpoena persons, books, papers, or documents, and, through the chairman or acting chairman, or the chairman of any subcommittee thereof, to administer oaths, examine witnesses, books, papers, or documents respecting all matters pertaining to the public printing and binding, and to have such printing done as may be necessary to the business of the said Joint Committee on Printing; and the said joint committee, or any subcommittee thereof, may convene at any time for the transaction of public business.

"SEC. 3. The Joint Committee on Printing shall elect a secretary, who shall be the executive officer of the said joint committee and who shall be authorized to carry into effect the orders and regulations of the said joint committee. The salary of the secretary of the said Joint Committee on Printing shall be at the rate of \$4,000 per annum, and shall be appropriated for and paid by the Secretary of the Senate."

Mr. HALE. Let the joint resolution go over. I discover from the reading that it ought to be thoroughly examined.

The VICE-PRESIDENT. The joint resolution will be placed on the calendar.

ROYAL L. SWEANY.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 24373) to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash., to report it favorably without amendment.

Mr. PILES. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

eration. It proposes to pay to Royal L. Sweany, late a deputy collector of internal revenue at Tacoma, State of Washington, \$107, as a reimbursement for that amount of money paid by him to the Government to cover the value of certain documentary revenue stamps forwarded in the mails by him as deputy collector on or about June 30, 1902, from Tacoma, Wash., to the office of the collector for the district of Oregon, at Portland, Oreg., and lost in transit.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALASKA-YUKON EXPOSITION.

Mr. SUTHERLAND. From the Select Committee on Industrial Expositions, I report back favorably without amendment the bill (S. 9154) to amend an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, approved May 27, 1908, and I submit a report (No. 1047) thereon. I call the attention of the Senator from Washington [Mr. PILES] to the bill.

Mr. PILES. I ask for the present consideration of the bill just reported by the Senator from Utah.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 11 of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes," approved May 27, 1908, by adding at the end thereof the following:

Provided further, That the board of managers herein above described may, in its discretion, cause any exhibit or part thereof to be exhibited in any building or buildings, or other place on said exposition grounds, provided or furnished by any State or other organization.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF ARKANSAS RIVER.

Mr. FRYE, from the Committee on Commerce, to whom was referred concurrent resolution 101, submitted on the 18th instant by Mr. CLARKE of Arkansas, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of the Arkansas River between Little Rock and Dardanelle with a view of ascertaining if said part of said river is susceptible of being made available for purposes of navigation during the entire year, and if found capable of being made so available, then to report an estimate of the cost of improving such part of said river by the construction of locks and dams or otherwise, as well as to report an estimate of the probable tonnage that will seek transportation thereon in the event the same were so improved.

BILLS INTRODUCED.

Mr. BANKHEAD introduced a bill (S. 9426) for the relief of John C. Stoutenborough, of Richmond, Ala., which was read twice by its title and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 9427) for the construction of a wall on the Ohio River at Fort Massac Park, Massac County, Ill., which was read twice by its title and referred to the Committee on Commerce.

Mr. RAYNER introduced a bill (S. 9428) for the relief of the heirs of Thomas Miller, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 9429) for the relief of the heirs of Charles H. Wright, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 9430) for the relief of Sarah R. Bexley, administratrix of the estate of the late Augustus R. Bexley, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 9431) for the relief of the estate of John McQuiddy, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 9432) for the relief of the estate of John Burns, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 9433) granting an increase of pension to John H. Flier, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MCCREARY introduced a bill (S. 9434) to authorize the Court of Claims to admit as evidence affidavits in certain cases, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. ALDRICH introduced a bill (S. 9435) granting an increase of pension to Maryetta Thurber, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 9436) granting an increase of pension to Charles Hatfield, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SMOOT introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9437) granting an increase of pension to Hans Wickstrum; and

A bill (S. 9438) granting a pension to Luella A. Taylor.

He also introduced a bill (S. 9439) for the relief of Lemuel H. Redd, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SIMMONS submitted an amendment providing for a survey of Cape Lookout, North Carolina, and also of Cape Hatteras, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NELSON submitted an amendment providing for an examination and survey for the location of a canal connecting Lake Superior and the Mississippi River, by way of the St. Croix River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$150,000 for dredging the inner basin of Duluth Harbor, Minnesota, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DEPEW submitted an amendment providing for the examination and survey of Bay Ridge and Red Hook channels, New York Harbor, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate \$550,000 for the purchase by the Commissioners of the District of Columbia of certain land in the District for park purposes, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

REVISION OF PENAL LAWS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States, which was, to strike out all after the enacting clause and insert a substitute.

Mr. HEYBURN. I move that the Senate disagree to the amendment proposed by the House, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. HEYBURN, Mr. SUTHERLAND, and Mr. McLAURIN conferees on the part of the Senate.

POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate insist on its amendments and agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY conferees on the part of the Senate.

ALASKA CENTRAL RAILWAY.

The bill (H. R. 27068) to extend the time for the completion of the Alaska Central Railway, and for other purposes, was read the first time by its title.

Mr. NELSON. The Senate has reported a bill (S. 8821) similar to that, and I ask that the House bill be substituted for the Senate bill on the calendar.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. NELSON. I call the attention of the Senator from Illinois [Mr. CULLOM] to the matter.

Mr. CULLOM. I hope that the House bill may be taken up and disposed of at this time.

The VICE-PRESIDENT. If there be no objection, the bill (S. 8821) to extend the time for the completion of the Alaska Central Railway, and for other purposes, for which the House

bill has just been substituted, will be indefinitely postponed. The Senator from Illinois asks for the present consideration of the House bill. It will be read.

The bill was read the second time at length, as follows:

Be it enacted, etc. That the time for filing the map of definite location of the Alaska Central Railway, as required by the provisions of chapter 299 of the Laws of the United States, entitled "An act extending homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, be, and the same is hereby, extended for three years from the date of the passage of this act, and that the time for completion of said Alaska Central Railway be, and the same is hereby, extended for three years from the expiration of the period provided for in the act entitled "An act to extend the time for the completion of the Alaska Central Railway, and for other purposes," approved June 30, 1906: *Provided*, That nothing herein contained shall be held or construed to affect any lawfully accrued rights.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. It is a bill to extend the time for the completion of a railroad in Alaska?

The VICE-PRESIDENT. It is.

Mr. KEAN. I object. Let us have the regular order.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded. The bill will be placed on the calendar.

HOUSE BILLS REFERRED.

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, was read twice by its title and referred to the Committee on the District of Columbia.

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district, was read twice by its title and referred to the Committee on the Judiciary.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of House bill 26916, the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CLAPP. I ask consent that the formal reading of the bill be dispensed with, and that the bill be read for action on the committee amendments.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments shall be first considered. Is there objection? [After a pause.] The Chair hears none. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, under the subhead "President," on page 2, after line 13, to insert:

That whenever so directed by the President the Secretary of the Interior shall cause allotments in severalty to be made to the Indians of any reservation in accordance with the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians of various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," as amended by the act of February 28, 1891 (27 Stat. L., 794), and as amended by the act of May 8, 1906 (34 Stat. L., 182), in such areas as he may consider equitable and just, not, however, exceeding 160 acres of agricultural land to any one Indian, and all Indians of the reservation to be allotted, living at the date of the President's order, shall be entitled to receive an allotment, and if any Indian thereafter die prior to being allotted the lands he would have received if living, such lands shall be allotted in his name and descend to his heirs in accordance with the laws of descent and distribution of the State in which the land is situate.

Mr. SUTHERLAND. I desire to call the attention of the chairman of the committee to the language in line 9, on page 3. Beginning with line 7, it reads:

And if any Indian thereafter die prior to being allotted the lands he would have received if living, such lands shall be allotted in his name and descend to his heirs in accordance with the laws of descent and distribution of the State in which the land is situate.

It seems to me that the words "in his name," in line 9, should be stricken out. We can not allot land to a man who is dead. It would then read "such lands shall be allotted and descend to his heirs."

Mr. McCUMBER. Perhaps the Senator should insert the word "to," so as to read "shall be allotted to and descend to his heirs."

Mr. SUTHERLAND. Very well.

The VICE-PRESIDENT. The Senator from Utah proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 3, line 9, strike out the words "in his name" and insert "to," so as to read "shall be allotted to and descend to his heirs," and so forth.

Mr. CLAPP. The amendment to the amendment is accepted by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 3, after line 11, to insert:

SECRETARY OF THE INTERIOR.

That when, in the judgment of the Secretary of the Interior, it is necessary for any railway company owning or operating a line of railway in any Indian reservation to acquire lands in such Indian reservation for reservoirs, material, or ballast pits for the construction, repair, and maintenance of its railway, or for the purpose of planting and growing thereon trees to protect its line of railway, the said Secretary be, and he is hereby, authorized to grant such lands to any such railway company which shall comply with the provisions of this act and such rules and regulations as may be prescribed by the said Secretary thereunder.

That when any railway company desiring to secure the benefits of this act shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, the said Secretary shall ascertain and fix the value of said land, and upon the payment of the price so fixed the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper: *Provided*, That no lands shall be acquired under the provisions of this act in greater quantities than 40 acres for any one reservoir, and 160 acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of 10 miles of any such railway in any Indian reservation: *And provided further*, That the lands acquired for tree planting shall be taken only at such places along the line of the railway company applying therefor as in the judgment of the said Secretary may be necessary, and shall be taken in strips adjoining and parallel with the right of way of the railway company taking the same, and shall not exceed 150 feet in width.

That all moneys paid for such lands shall be deposited in the Treasury of the United States to the credit of the tribe or tribes, and the moneys received by said Secretary as damages sustained by individual members of the Indian tribe, which damages shall be ascertained by the Secretary of the Interior and paid by the railway company taking such lands, shall be paid by said Secretary to the Indian or Indians sustaining such damages.

Mr. HEYBURN. Mr. President, I desire to suggest a point of order against this amendment, and I also desire the privilege of suggesting it against the preceding amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. HEYBURN. That it is general legislation.

Mr. CLAPP. Before the Senator presses that point, I should like to submit this consideration to the Senate: We have in the bill a measure passed by the House covering this identical subject with reference to the Great Northern Railway in Montana. They are obliged to come to Congress whenever they need anything of this kind and secure a special act giving the Secretary of the Interior the authority to grant gravel pits and reservoir sites.

Mr. HEYBURN. I should like to ask what portion of the amendment the Senator is referring to now.

Mr. CLAPP. I am talking now of the amendment relating to ballast pits and reservoirs.

Mr. HEYBURN. In what line?

Mr. CLAPP. It goes from line 13, on page 3, to and including line 2, on page 5.

Mr. HEYBURN. I will withhold the point of order, with the understanding that these amendments will not be hurriedly passed. The first amendment was passed so hurriedly that I did not have an opportunity even to interpose a point of order against it.

The VICE-PRESIDENT. The Senator from Idaho withholds his point of order, and if there be no objection the amendment to which it was directed will be passed over for the present.

Mr. HEYBURN. I am only withholding it upon the suggestion of the Senator from Minnesota that he would explain the purpose of the amendment. I understood him to say that he desires to explain the purpose of the amendment.

Mr. CLAPP. The purpose of the amendment is simply this: These railroads run through Indian reservations. There is a general law which allows the Secretary of the Interior, upon the filing of a plat and complying with the conditions prescribed by him, to grant a right of way through different reservations. There is no law at present under which they can acquire gravel pits or sites for reservoirs. At every session

more or less special bills have to be passed for that purpose. I had one passed through the Senate this winter, and it comes back here as a provision of this bill, put in by the House. Instead of requiring, in such cases, that they shall come here and get special legislation, it occurred to the department and the committee that it would be a wiser way to make a general provision.

I recognize the fact, as I said yesterday, that we have reported some administrative legislation in this bill. Senators realize the difficulty of getting legislation, especially at this period in the session. I would be perfectly willing to have the merits of these matters considered, and if they are not properly framed I would cheerfully join in perfecting the framing of them.

I do hope the Senator will withhold his point of order against this amendment and against some others which we have put in the bill and which I will explain as we reach them.

Mr. HEYBURN. Mr. President, I am loath to raise the point of order against a portion of this proposed legislation, but it is a complete departure from anything we have heretofore known in connection with our dealing with the Indian lands, which under the Constitution of the United States are made the subject of treaty arrangement. It is rather shocking to turn over to the Secretary of the Interior a power which originally had to be exercised under the treaty-making power of the Constitution, and, as a matter of fact, which is now turned over to a clerk in the department.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. The Senator, I think, recalls the fact that there is similar legislation on the statute books relating to the right of way.

Mr. HEYBURN. Unfortunately, yes.

Mr. CLAPP. I would hardly concede that it is unfortunate. Railroads have to be built in the western country. They have of necessity to go through reservations. It benefits and enhances the value of the land of the allottees and the owners of those reservations. I would hardly agree that it is unfortunate.

Mr. HEYBURN. Mr. President, I have had some experience on this question, commencing some twenty-odd years ago, and with a supplement last year. Under the old law it was necessary to make a treaty with the Indians and determine the damages and the conditions under which the land might be taken. It was not inconvenient. It was a law that had worked satisfactorily for nearly a century.

Take the right of way for the Minneapolis and St. Paul road through the Coeur d'Alene Indian Reservation. Those Indians did not know until months afterwards that their rights had even been in question or under consideration. They came here to me in Washington at the last session and were utterly astonished when they found that the right of the railroad to go through that reservation from one end to the other had absolutely been determined, that the amount of compensation to the Indians had been fixed, and that it had been paid, as they understood, without their ever knowing that the matter was even being considered.

In 1878 or 1879 I conducted the making of the treaty with those Indians for the right of way for the O. R. and N. Railroad. The O. R. and N. went through that same reservation. We were in council for days. Those Indians understood at that time, as they do now, their rights under the law, and that the Government will deal with them in the nature of a treaty. It is not the same character of treaty making that we have with foreign nations, but it is one adapted to the conditions and circumstances. The Indians at that time received—I would not undertake to say without having the figures before me how much—several times as much for a shorter right of way to the O. R. and N. road than they have received from the independent action of the Indian agent representing the Interior Department for a right of way through the long way of their reservation. The sum that they have been awarded is a mere bagatelle, it does not amount to anything to them; and that was done under the law to which the Senator refers.

I am not at all in sympathy with making a short cut in dealing with the Indians for their lands, because while it seems like a very innocent proposition upon its face that you are going to have a right of way for a railroad, yet you find that in this and in the other measures they may take 120 acres for a reservoir site.

Mr. CLAPP. No; 40 acres for reservoirs and 160 acres for ballast pits.

Mr. HEYBURN. I will look at it:

Provided, That no lands shall be acquired under the provisions of this act in greater quantities than 40 acres for any one reservoir, and 160 acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of 10 miles of any such railway in any Indian reservation.

Under the old act we took 10 acres for a depot site and the right of way of a given width for the railroad. Now we are bringing in reservoir sites upon the Indian reservations. For whom are the reservoir sites?

Mr. CLAPP. The reservoir sites are for the railroad companies, for the purpose of accumulating, storing, and using water.

Mr. DIXON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. I do not want to interrupt the Senator from Minnesota.

Mr. CLAPP. No; go ahead.

Mr. DIXON. I wanted to express a hope that the Senator from Idaho will not insist on the point of order. At every session we are loaded down with dozens of individual bills to give railroad companies the right to purchase gravel pits and settling tanks. I think this amendment came up here, and several other bills of the kind. To save Congress every year from taking up its time with dozens of these little individual bills it is merely proposed to give the Secretary the right to negotiate, without going through the formula of passing special bills through Congress.

In this case the bill which I think was the cause of the introduction of this general provision was a bill concerning the railroad through the Fort Peck Reservation of northern Montana. The Great Northern Railroad runs for 200 miles through that reservation. They have got to have gravel to ballast the road. In certain places it goes through an alkali country. They must have settling tanks in order to get water for their engines.

I do not think this provision is subject to the objection that it gives the Secretary of the Interior the right to grant rights of way indiscriminately. It is merely for these gravel pits and settling tanks that the railroads must have. I assure the Senator from Idaho [Mr. HEYBURN] that the experience in the past has been that the Indians get ten times as much for these special 40-acre tracts from the railroad companies as they do under the general act opening land for settlement. I know the Great Northern Railway Company paid these same Indians, I think, as high as \$30 an acre for gravel pits.

There is no question, so far as the Indian is concerned, that he will get more under this arrangement, and there is no question but what it will be a great convenience to these great transportation companies and save much time here in the passage of a dozen bills at every session of Congress.

Mr. HEYBURN. Mr. President, I am decidedly in favor of granting rights of way through the Indian reservations for railroads and of the opening up and developing of these areas, and I am not to be understood as opposing that principle or any legislation which involves it. It is only the character of this particular legislation that I am directing my remarks to.

Mr. DIXON. But the Senator—

Mr. HEYBURN. I am proceeding to make plain my objection.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. I do.

Mr. DIXON. I want to suggest to the Senator from Idaho that when we pass a special bill concerning matters of this kind, the price of the land must be fixed by the Secretary of the Interior. Under every special bill we pass the Secretary of the Interior must take into consideration the price to be paid; and this is only proposing to confer generally what we do here every session of Congress half a dozen times at least.

Mr. HEYBURN. I see no sufficient reason for not pursuing the old method of obtaining rights of way; that is to say, take the owners of the land into your council and agree with them, and not have it done without their even knowing that it is being considered. That is what I object to.

Mr. DIXON. But would the Senator from Idaho urge in a case where a railroad company wanted a gravel pit to ballast the track, or a settling tank to settle their water for use in the engines, that we should convene a tribe of Indians of twenty-five hundred people to negotiate for a 40-acre tract?

Mr. HEYBURN. A hundred-and-sixty-acre tract is named in this bill.

Mr. DIXON. It would be impossible.

Mr. HEYBURN. No; I can not concede that the Senator is correct in that. It is not impossible. The railroad company know just as well when they are laying out their road what they will need as they will know twenty years afterwards. They know that they will need 10 acres for depot purposes and that they will need certain ground for gravel pits just as well when they are making up the plans of their road as they will know it at any time afterwards. Let the law stand, so that whenever a railroad company wants to pass through an Indian reservation either the Indians will be in consultation with the Government or participate in the plan or treaty, if you may call it such, so that they will be present and know what is being done, and not have them coming to us after their rights have been fixed at some trifling and insignificant figure and saying, "Well, upon what terms is this railroad company building through our lands?"

You must remember that the Indians of to-day are not the Indians of fifty years ago. Our Indians are educated, intelligent, and property-owning Indians. They plow with sulky plows; they have pianos in their homes; they ride in carriages; they speak the English language; and there is no reason on earth why those Indians should not be taken into the council that is to determine their property rights. The old idea that an Indian is an animal roaming up and down the land with a blanket on him must be given up.

Mr. CLAPP. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes, sir.

Mr. CLAPP. My only desire is to put this in general form, so that we shall not have to deal with special acts, and I suggest that this amendment might be amended so that the Secretary shall be authorized to negotiate. Congress, acting on the Lone Wolf decision, has proceeded for some years to dispose of Indian lands without treaty. I have no objection at all to the Senator's position. If this provision is not correct, then it should be amended.

Mr. HEYBURN. Mr. President, I am perfectly willing that amendment should cure these things of which I complain. I have had call on me during the last two weeks a large number of Indians from different sections of the United States. Only a few days since I received the card of an Indian, and went into the Marble Room and met him. He is an Indian who keeps as good an automobile as anybody in this Senate Chamber, who speaks as good English as anybody here, and who is, in taxable property and wealth, almost the equal of the average Senator in this body. The idea of taking his property through the agency of department clerks is ridiculous. We must stop and consider this change.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. I believe, Mr. President, this amendment is a very important one and will avoid very much detailed legislation. I suggest, however, in view of the observations of the Senator from Idaho [Mr. HEYBURN], that the amendment be passed over for the time being, and that other amendments may be proceeded with.

Mr. HEYBURN. Very well. We will see if we can make the amendment satisfactory.

Mr. CLAPP. That is entirely agreeable to me.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 5, after line 2, to insert:

That, to facilitate cooperative work between the Office of Indian Affairs and other bureaus and offices of the Government, the Secretary of the Treasury be, and he is hereby, authorized and directed, upon requisition by the Secretary of the Interior, to advance to disbursing officers of such other bureaus and offices, from any funds in the Treasury which are at the time available and applicable, such sums as in the discretion of the Secretary of the Interior may be necessary to meet the current and contingent expenses of the work: *Provided*, That the disbursing officers to whom the funds are advanced shall be responsible therefor under their bonds, and account therefor in the same manner and under the same regulations as for other moneys usually received by them for disbursement. Said accounts shall be examined by the administrative bureau or office under which the disbursing officer is employed, and settled by the auditor for the department of which said bureau or office is a part.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

That the Secretary of the Interior be, and he hereby is, authorized, under the direction of the President, to allot any Indian on the public domain who has not heretofore received an allotment, in such areas as he may deem proper, not to exceed, however, 80 acres of agricultural or

160 acres of grazing land to any one Indian, such allotment to be made and patent therefor issued in accordance with the provisions of the act of February 8, 1887 (24 Stat. L., 388). When any such lands are irrigable the Secretary of the Interior is authorized to set apart from the public domain for each allotment so made not to exceed 5 acres, and each allotment shall be reduced 5 acres in area, which said 5 acres may be leased or sold on such terms as in the opinion of the Secretary of the Interior will be subservient to the purpose, and the proceeds thereof may be used in procuring water, constructing ditches and dikes, or otherwise preparing allotments of the Indians for irrigation; and when any lands subject to irrigation have been or may be hereafter allotted on any Indian reservation the Secretary of the Interior is authorized, with the consent of the Indian allottee, to set aside from each allotment not to exceed 10 acres, which lands so set aside may be leased or sold in such manner as the Secretary of the Interior may determine, and the proceeds used in procuring water, constructing ditches and dikes, or otherwise preparing the allotment of the Indian for irrigation.

Mr. HEYBURN. I move to amend the amendment on page 5, line 23, by striking out the word "such," and then striking out all after the word "areas" down to and including the word "or," in line 24.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment to the committee amendment, which will be stated.

The SECRETARY. On page 5, line 23, before the word "areas," it is proposed to strike out the word "such," and after the word "areas" to strike out "as he may deem proper, not to exceed, however, 80 acres of agricultural or."

Mr. CLAPP. I have no objection to that amendment.

The VICE-PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. HEYBURN. In the amendment of the committee I move to strike out the word "grazing," in line 1, page 6.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 6, line 1, before the word "land," it is proposed to strike out the word "grazing."

The amendment to the amendment was agreed to.

Mr. HEYBURN. I move to further amend the amendment of the committee by striking out on page 6 all after the word "eighty-eight" down to the end of the clause.

Mr. CLAPP. In what line?

Mr. HEYBURN. Commencing in line 5, I move to strike out all of the clause after that.

The VICE-PRESIDENT. The amendment to the amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 6, after the word "eighty-eight," in the parentheses in line 5, it is proposed to strike out the remainder of the committee amendment.

Mr. CLAPP. Mr. President, if the Senator from Idaho will pardon me, this is an amendment asked for by the department, and as to which they have made a statement, found on page 10 of the committee's report on this bill. So far as I am concerned, while I should prefer to have the amendment stand, I am not going to contest it here. I know the point can be properly made against it.

Mr. HEYBURN. We struck out the same thing last year.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment moved by the Senator from Idaho [Mr. HEYBURN].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the subhead "Commissioner," on page 7, line 3, before the word "lands," to strike out "irrigated" and insert "irrigable;" in line 6, before the word "hundred," to strike out "two" and insert "five;" in line 7, after the word "dollars," to strike out "of which \$25,000 shall" and insert "to;" and in line 8, after the word "available," to insert "and to remain available until expended," so as to read:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and water rights, including lands necessary for canals, pipe lines, and reservoirs, for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, \$500,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to insert:

That all patents issued for allotments to the Indians on the Stockbridge and Munsee Reservation, Wis., shall expressly declare that no sale of the lands described therein shall be made under any decree of any court or otherwise for or on account of any claim, judgment, execution, order, or for taxes, or voluntarily by the patentee or his or her heirs, unless such sale is approved by the Commissioner of Indian Affairs, and any such sale or conveyance made without such approval shall be absolutely void.

Mr. LA FOLLETTE. I ask that that amendment be passed over for the present.

The VICE-PRESIDENT. Without objection, the amendment will be passed over at the request of the Senator from Wisconsin.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 8, line 5, after the word "Interior," to strike out "to take action;" and in line 6, after the word "traffic," to strike out "of" and insert "in," so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to suppress the traffic in intoxicating liquors among Indians, \$50,000.

The amendment was agreed to.

The next amendment was, on page 8, line 9, after the word "purposes," to insert "not herein provided for," so as to make the clause read:

For support of Indian day and industrial schools, and for educational purposes not herein provided for, \$1,425,000.

The amendment was agreed to.

The next amendment was, on page 8, line 15, before the word "thousand," to insert "and twenty-five," so as to make the clause read:

In all, \$1,725,000.

The amendment was agreed to.

The next amendment was, on page 10, line 14, after the word "available," to insert:

Provided, That this section shall not apply to the Menominee Indian Reservation in Wisconsin.

So as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, \$100,000, of which \$10,000 shall be immediately available: *Provided*, That this section shall not apply to the Menominee Indian Reservation in Wisconsin.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to insert:

That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters and other papers of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner.

Mr. HEYBURN. I should like to have that amendment passed over.

Mr. CLAPP. What is the request?

The VICE-PRESIDENT. The Senator from Idaho asks that the amendment just read be passed over.

Mr. HEYBURN. I will withdraw that request if the Senator in charge of the bill is ready to consider the amendment. I object to it. It is a most extraordinary proposition. There is no such legislation made applicable to any other department of the Government, so far as I know.

Mr. LODGE. Mr. President, for years there has been a clerk authorized to sign the President's name to land patents.

Mr. HEYBURN. This is a different proposition.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. In a moment. The language here is very broad, and I know of no similar case. The amendment provides—

That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters and other papers.

Could he sign a treaty? The provision is too broad, and I object to it.

Mr. CLAPP. Strike out the words "and other papers," if the Senator desires.

Mr. HEYBURN. I have no objection to the amendment, if you cut out the words "and other papers."

Mr. CLAPP. I move that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota to the amendment of the committee will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, on page 10, line 18, after the word "letters," by striking out "and other papers," so as to make the clause read:

That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the subhead "Miscellaneous," on page 12, line 4, after the word "successor," to insert "and he shall report annually to the Commissioner of Indian Affairs all material on hand and not required for his use," so as to read:

That section 10 of the act of March 3, 1875 (18 Stat. L., 451), be amended so as to read as follows: "Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of moneys from all sources, and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor, and he shall report annually to the Commissioner of Indian Affairs all material on hand and not required for his use."

The amendment was agreed to.

The next amendment was, under the subhead "Police," on page 14, line 23, before the word "dollars," to strike out "twenty-five" and insert "not exceeding fifty;" and on page 15, line 4, before the word "thousand," to insert "and ten," so as to make the clause read:

For pay of officers at not exceeding \$50 per month each, and privates at \$20 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, \$210,000.

The amendment was agreed to.

The next amendment was, under the subhead "Contingencies," on page 16, line 19, before the word "from," to strike out "going," so as to read:

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at \$3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and from the seat of government, etc.

The amendment was agreed to.

The next amendment was, at the top of page 17, to insert:

And the Secretary of the Treasury is hereby authorized to pay from the appropriation for contingencies of the Indian Service, 1909, for expenses incurred under the orders of the Secretary of the Interior, to Joseph W. Howell \$135 and to Joseph R. Webster \$210.

The amendment was agreed to.

The next amendment was, under the head of "Arizona," on page 17, line 13, after the word "dollars," to strike out "Provided, That," and insert "and the commissioner is authorized to use;" and in line 15, before the word "is," to insert "which," so as to make the clause read:

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, \$300,000; and the commissioner is authorized to use the unexpended balance for the fiscal year 1909, which is hereby appropriated and made available for 1910.

The amendment was agreed to.

The next amendment was, under the subhead "Truxton Canyon School," at the top of page 19, to insert:

To enable the Secretary of the Interior to purchase lands and water rights for the use of Navajo Indians who have lost title to their homes on the public domain in Arizona the sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 20, line 2, before the word "dollars," to strike out "fifty," and insert "fifty-nine," so as to make the clause read:

In all, \$104,359.

The amendment was agreed to.

The next amendment was, under the head of "Colorado," on page 20, after line 13, to strike out:

The Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures, of the Grand Junction and Fort Lewis schools, Colorado, to the State of Colorado upon condition that the properties shall continue to be maintained and operated as educational institutions and that children of Indian parents shall have the same privileges of education as white children, but with tuition free: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose of by sale or transfer to other schools such property as is not covered by the transfer of the realty, buildings, and fixtures.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

FORT LEWIS SCHOOL.

There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the following described property, known as the "Fort Lewis School," including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1910, if before that date the governor of the State of Colorado files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

For support and education of 200 Indian pupils at the Indian school at Fort Lewis, Colo., \$35,000, and for pay of superintendent, \$1,600.
Repairs to and extension of sidewalks, \$1,000.
Renewal of driveways, \$800.
Coping along driveways, \$1,000.
General repairs to buildings and water system, \$5,000.
In all, \$44,400.

Provided, That if said school is disposed of as above authorized at any time during the fiscal year of 1910 the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

Mr. CLAPP. Perhaps the language of that amendment may be improved by striking out the words "the following described," in lines 3 and 4, page 21. The amendment is suggested by the Senator from Utah [Mr. SUTHERLAND].

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the amendment of the committee, on page 21, line 3, after the word "named," it is proposed to strike out "following described," so as to read:

FORT LEWIS SCHOOL.

There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the property known as the Fort Lewis School, including the lands, buildings, and fixtures pertaining to said school, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 22, after line 6, to insert:

GRAND JUNCTION SCHOOL.

There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the following-described property, known as the Grand Junction School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1910, if before that date the governor of the State of Colorado files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

For support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., \$33,400, and pay of superintendent, \$1,600.

Repairs to and extension of sidewalks, \$800.

Renewal of driveways, \$600.

Coping along driveways, \$1,000.

General repairs to buildings and water system, \$5,000.

In all, \$42,400.

Provided, That if said school is disposed of as above authorized at any time during the fiscal year of 1910 the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

Mr. SUTHERLAND. The same amendment should be made in this provision that was made in the prior provision. The words "following described," in lines 9 and 10, on page 22, should be stricken out.

Mr. CLAPP. That is right.

Mr. SUTHERLAND. I suggest that the clerk may do that in all cases.

Mr. CLAPP. I suggest that permission be granted to correct it in all instances.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 23, after line 13, to insert:

That the Secretary of the Interior is hereby authorized to expend from the funds of the Southern Ute Indians in the Treasury of the United States sufficient moneys to purchase a perpetual water right for the purpose of irrigating not less than 10,000 acres of land in the Southern Ute Indian Reservation in Colorado.

The amendment was agreed to.

The next amendment was, on page 23, after line 19, to insert:

That to carry into effect the agreement between the Confederate Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederate Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same (21 Stats., p. 199), jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement, including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor; and the court shall set off against any sum found due said Indians the amount paid to them under the fifth section of said act of June 15, 1880, being \$50,000 per annum up to the date of rendition of final judgment in this cause, also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement; and the credit of \$1,250,000 set apart in the Treasury by the terms of said agreement, upon which said annuity has been esti-

mated, shall, upon the rendition of final judgment in this cause, cease to exist as a trust fund, and from and after the date of said judgment no annuity shall be estimated or paid therefrom; and the action herein authorized shall be consolidated with cause congressional No. 11248, now pending in said court, for the purpose of using at the trial thereof all evidence which has been adduced in said pending cause, and shall be commenced by petition under the title of said pending cause and shall be conducted by the attorney of record now appearing therein, or by any attorney by him specifically authorized to appear; and the Attorney-General shall continue to appear and represent the United States; and in rendering judgment herein the court shall fix upon a quantum meruit and set apart just and reasonable compensation to the attorneys on behalf of plaintiffs who have rendered actual services in prosecuting said claim before the committee of Congress and in conducting the said cause before the courts in the name of the attorney of record in said pending cause, or any attorney by him specifically authorized, and said compensation shall be paid to such attorney by the Secretary of the Treasury out of any money in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment, or out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated, to be reimbursed to the United States from the funds of the Confederate Bands of Ute Indians, and the balance of said judgment shall be held in the Treasury for the benefit of said Indians as a trust fund, and the interest thereon shall be distributed annually to them in accordance with the terms of said act of June 15, 1880; and the said cause shall be advanced in hearing by the Court of Claims, and by the Supreme Court of the United States if the same shall be appealed: *Provided*, That after final judgment rendered in this cause, as herein authorized, the court may from time to time further consider and render judgments for the value of any lands whereof disposition shall be made subsequent to June 30, 1909.

Mr. CURTIS. In order to save time, I ask that the amendment be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over at the request of the Senator from Kansas.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 26, after line 11, to insert:

FLORIDA.

For the purpose of enabling the Secretary of the Interior to investigate the needs and conditions of the Seminole Indians in Florida, especially with reference to the establishment of a school and reservation for said Indians, the sum of \$5,000, and said Secretary is directed to report the result of such investigation at the next session of Congress.

The amendment was agreed to.

The next amendment was, on page 27, line 8, after the word "and," to strike out "four" and insert "twenty-four," and in line 14, after the word "dollars," to insert "reimbursable," so as to make the clause read:

For carrying out the provisions of the act of March 1, 1907 (34 Stat. L., 1024), authorizing the Secretary of the Interior to acquire lands and other property necessary in constructing a reservoir for storing water for the purpose of irrigating lands on the Fort Hall Reservation in Idaho and those ceded by the Indians of said reservation, and for construction of the system determined on, \$100,000, reimbursable.

The amendment was agreed to.

The next amendment was, on page 27, after line 14, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to investigate and settle the equitable claims of Neils Anderson, William Winchell, and others whose lands or improvements, held under possessory claims, have been or will be damaged by reason of the construction of said reservoir, for which purpose the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 31, after line 18, to insert:

For the purpose of carrying out the provisions of the treaty with the Pottawatomie Indians, proclaimed April 19, 1862, the Secretary of the Interior is authorized, upon application therefor, to sell the lands in Kansas allotted to those Indians styling themselves the Wah-quab-kuk band, and purchase satisfactory lands for them in Wisconsin or elsewhere and locate them thereon. All expenses to be paid out of the receipts from the Kansas lands.

The amendment was agreed to.

The next amendment was, under the subhead "Morris School," on page 32, after line 21, to strike out:

That the Secretary of the Interior is hereby authorized and directed to dispose of and convey the real estate, including buildings and fixtures, of the Morris School of Minnesota, in the State of Minnesota, under such terms and conditions as he may prescribe, including the necessary land therefor: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose of by sale or transfer to other schools such property as is not covered by the transfer of the realty, buildings, and fixtures.

And to insert in lieu thereof:

That there is hereby granted to the State of Minnesota, upon the terms and conditions hereinafter named, the following-described property, known as "the Indian school" at Morris, Minn., and more particularly described as follows, to wit:

All those several tracts and parcels of land situate, lying, and being in the county of Stevens and State of Minnesota, and described as follows: The northeast quarter of the southwest quarter, the southwest quarter of the northwest quarter of the southwest quarter, the northeast quarter of the northwest quarter of the southwest quarter, the northwest quarter of the southwest quarter of the southwest quarter, the southeast quarter of the northwest quarter of the southwest quarter of section 36, township 125 north, range 42 west, containing 80 acres.

Beginning at the quarter post, being the southwest corner of the northwest quarter of section 31, township 125 north, range 41 west of the fifth principal meridian; running along the county road (Morris, Minn., to Glenwood, Minn.), or along the established line of the said

county road, running from said quarter post north 63° 30' east 1.56 chains; thence north 61° east 8.13 chains; thence north 87° 25' east 7.07 chains; thence north 69° 30' east 14.85 chains; thence north 77° east 27 chains; thence leaving the said county road and running north 25 chains to a point on the north boundary line of said section 31, township 125, range 41, 15 chains east of the northeast corner of the northwest quarter of said section 31, township 125, range 41; thence west along the said north boundary line of said section 31, township 125, range 41, to the northwest corner of the northwest quarter of section 31, township 125, range 41; thence south along the west boundary line of said section 31, township 125, range 41, to the place of beginning, except 12.9 acres of land owned by the Northern Pacific Railroad Company, being used for railroad right of way and special snow-fence purposes.

Also all that part of the east half of the southwest quarter of the southwest quarter section 36, township 125 north, range 42 west of the fifth principal meridian, in Stevens County, Minn., lying south of the county road from Morris to Cyrus, Minn., containing 15 acres.

And beginning at the northwest corner of the southeast quarter of section 36, township 125, range 42; thence south 11.05 chains, east 3.16 chains, south 2.57 chains, to the Cyrus and Morris public road; thence easterly along the north line of said road to a point on the east line of the northwest quarter of the southeast quarter of section 36, 7.25 chains south of the northeast corner of the northwest quarter of the southeast quarter of section 36; thence north 7.25 chains to said northeast corner; thence west to the place of beginning, containing 22½ acres.

And the south half of the south half of the northwest quarter of the northwest quarter of the southwest quarter of section 36, township 125, range 42, containing 2½ acres.

And lot No. 3 of county subdivision of unplatted part of east half of section 35, township 125, range 42, containing 8.75 acres, described as follows: Commencing at a point on the north side of the county road leading from Morris to Cyrus, Minn., 688 feet from the southeast corner of section 35, township 125 north, range 42 west; thence north 887 feet, west 440 feet, south 646 feet; thence southeast 391 feet to said county road; thence northeast along said county road 232 feet to the place of beginning.

Aggregating 290 acres, with buildings, improvements, and other appurtenances thereon.

Provided, That said lands and buildings shall be held and maintained by the State of Minnesota as an agricultural school, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils.

Provided further, That this grant shall be effective on July 1, 1910, if before that date the State of Minnesota, by its legislature, shall, by a bill or joint resolution, accept the terms of this grant, and in said event the said State of Minnesota shall file with the Secretary of the Interior a certified copy of said act or joint resolution, whereupon this grant shall take effect without further act; and the indorsement of the Secretary of the Interior upon a certified copy of said act or joint resolution of the legislature of the State of Minnesota, showing the date of the filing thereof with the said Secretary of the Interior, and showing said date to be prior to July 1, 1910, shall be competent proof in all courts of record of the filing of such certified copy of such act or joint resolution.

The amendment was agreed to.

The next amendment was, under the subhead "Pipestone School," on page 38, after line 7, to insert:

For removing obstructions at the falls and improving the highway to the cemetery, \$4,000.

The amendment was agreed to.

The next amendment was, on page 38, before the word "thousand," to strike out "forty-one" and insert "forty-five," so as to make the clause read:

In all, \$45,675.

The amendment was agreed to.

The next amendment was, on page 38, after line 11, to insert: For the erection of a schoolhouse and improvements for the Bois Fort Indians on the Nett Lake Indian Reservation, \$15,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 17, to insert:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of \$1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1909, out of the funds belonging to said band.

The amendment was agreed to.

The next amendment was, on page 40, after line 9, to insert:

That any moneys repaid by Indians to the United States under the provisions of the section of the Indian appropriation act approved April 30, 1908, appropriating the sum of \$25,000 for the purchase of implements and other equipment for the Indians of the Fort Belknap Reservation in the State of Montana (35 Stat. L., p. 83), shall be available for reexpenditure for the same purposes and under the same conditions until June 1, 1915.

The amendment was agreed to.

The next amendment was, on page 41, line 12, after the word "dollars," to insert "reimbursable," so as to make the clause read:

For completion and extension of the Milk River Irrigation System on the Fort Belknap Reservation in Montana, \$25,000, reimbursable.

The amendment was agreed to.

The next amendment was, on page 41, line 22, after the word "dollars," to insert "\$100,000 thereof to be immediately available," so as to make the clause read:

For construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation in Montana and the unallotted irrigable lands to be disposed of under the act of April 23, 1904, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after

allotment," including the necessary surveys, plans, and estimates, \$250,000, \$100,000 thereof to be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation.

Mr. DIXON. I suggest to the chairman of the committee, that, after the word "lands," in line 24, on page 41, the words "and timber" be inserted.

Mr. CLAPP. That is agreeable.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 42, to insert:

That the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by the act of June 21, 1906, and the act of May 29, 1908, be amended by adding thereto the following sections:

"SEC. 21. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

"SEC. 22. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve from location, entry, sale, or other appropriation all lands within said Flathead Indian Reservation chiefly valuable for power sites or reservoir sites, and he shall report to Congress such reservations."

The amendment was agreed to.

The next amendment was, on page 42, after line 24, to insert:

That section 11 of the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be amended to read as follows:

"SEC. 11. That all merchantable timber on said lands returned and classified by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, for cash, under sealed bids or at public auction, as the Secretary of the Interior may determine, and under such regulations as he may prescribe: *Provided*, That after the sale and removal of the timber such of said lands as are valuable for agricultural purposes shall be sold and disposed of by the Secretary of the Interior in such manner and under such regulations as he may prescribe."

The amendment was agreed to.

The next amendment was, on page 43, after line 21, to strike out:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised the south half of southwest quarter of northeast quarter and south half of south half of northwest quarter; the north half of southwest quarter of section 28; the south half of south half of northeast quarter and the north half of north half of southeast quarter of section 29, in township 27 north, range 44 east, Montana meridian, in the Fort Peck Indian Reservation, for the purpose of granting the same to the Great Northern Railway Company for a ballast pit for ballasting its railway, and upon appraising said land the Secretary of the Interior is authorized to convey the same to said railway upon such terms as he may deem advisable. If the sale of said land shall interfere with any improvements of an individual Indian, provision shall be made for the payment of damages, and the amount of damages awarded shall be paid to such Indian, subject to the control of the Secretary of the Interior as to the funds of incompetent Indians, and if the sale of said land interferes with any allotment, such allottee shall be entitled to reallocation.

And to insert in lieu thereof:

That the act of Congress approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," be, and it is hereby, amended by adding thereto section 17, as follows:

"SEC. 17. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians."

The amendment was agreed to.

The next amendment was, under the subhead "Northern Cheyennes and Arapahoes (treaty)," on page 46, after line 5, to insert:

That any of the lands withdrawn under the reclamation act in pursuance of the provisions of section 5 of the act of Congress approved April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect," which are not disposed of within five years from the date of the passage of said act shall remain subject to disposal under the provisions of the reclamation act until otherwise directed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 46, after line 15, to insert:

For the employment of "line riders" along the southern and eastern boundary of the Northern Cheyenne Indian Reservation in the State of Montana, \$1,500 is hereby appropriated, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 46, after line 22, to strike out:

That the Secretary of the Interior is hereby authorized and directed to dispose of and convey the real estate, including buildings and

fixtures, of the Genoa School, of Nebraska, under such terms and conditions as he may prescribe, including the necessary land therefor: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose of, by sale or transfer to other school, such property as is not covered by the transfer of the realty, buildings, and fixtures.

The amendment was agreed to.

The next amendment was, on page 47, after line 12, to insert:

To replace brick barn destroyed by fire, \$7,000.
For residence of superintendent, \$6,000.

The amendment was agreed to.

The next amendment was, on page 47, line 16, before the word "thousand," to strike out "fifty-three" and insert "sixty-six," so as to make the clause read:

In all, \$66,100.

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to strike out:

Provided, That if said school is disposed of as above authorized at any time during the fiscal year of 1910 that the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

The amendment was agreed to.

The next amendment was, on page 48, line 22, after the word "cents," to insert "and such sum shall bear interest at the rate of 5 per cent per annum until withdrawn from the Treasury for payment to the Indians as hereinafter provided," so as to read:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Winnebago tribe of Indians the sum of \$883,249.58, and such sum shall bear interest at the rate of 5 per cent per annum until withdrawn from the Treasury for payment to the Indians as hereinafter provided, being the balance of the unappropriated amounts due said tribe under the fourth article of the treaty of November 1, 1837.

Mr. CLAPP. On page 49, after the word "fifty-five," in line 9, I desire, on behalf of the committee, to strike out down to and including line 14, and to insert what I send to the desk.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 49, line 9, after the word "fifty-five," strike out the remainder of the paragraph and insert in lieu thereof the following:

The Secretary of the Interior is hereby authorized and directed to cause a new enrollment to be made of all Winnebago Indians entitled to share in said fund other than those enrolled at the Winnebago Agency in Nebraska, and until the completion of such enrollment no part of said sum shall be distributed. Upon the completion of such roll the Secretary of the Interior is authorized to pay per capita to the members of the tribe, except those resident in Wisconsin, their proportionate share of said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904, (33 Stat. L., 201.) The proportionate share to the credit of the Winnebago Indians resident in Wisconsin shall be held in the Treasury of the United States pending further legislation.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to the end of line 14 on page 49.

Mr. BURKETT. I am called away to attend a committee meeting, and the chairman of the Committee on Indian Affairs has consented that I may offer an amendment now. Right after the provision with reference to Nebraska I move to insert what I send to the desk. I will say it has already passed the Senate twice. If no one objects, it can be put on without being read.

Mr. CURTIS. I should like to know what it is.

Mr. BURKETT. It is in reference to the Omahas.

The SECRETARY. After line 14, on page 49, it is proposed to insert:

That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount. If any, due said Omaha tribe from the United States under the treaty between the United States and the said Omaha tribe of Indians ratified and affirmed March 16, 1854, or any other treaties or laws, or for the misappropriation of any funds of said Omaha tribe for purposes not for its material benefit, or for failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal or equitable claims, if any, of said Omaha tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Omaha tribe of Indians, and to enter judgment thereon. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court, it shall settle the right, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitation, and final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of this act; and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by the attorney employed by the said Omaha Indians under the contract filed in the Indian Office on the 4th

day of March, 1898, and reported upon to the Secretary of the Interior on the 1st day of May, 1901, upon information and belief as to the existence of such facts, and no other statements or verification shall be necessary.

The attorneys of record shall be furnished with official letters, papers, reports, documents, and public records or certified copies thereof, which may be used in evidence if competent under the rules of said Court of Claims: *Provided*, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians: *Provided further*, That the Otoe and Missouri Indians, of Oklahoma, are hereby authorized to intervene in the said action and set up and have determined any right or interest they or either of them may have or claim to have in said claim; and jurisdiction is hereby conferred upon said Court of Claims to hear and determine all legal and equitable claims, if any, of said Otoe and Missouri Indians, of whatsoever nature, which either or both of said tribes of Indians may have or claim to have against the United States, the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount, if any, due either of said tribes from the United States under any treaties or laws of Congress, of the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of either of said tribes for purposes not for their material benefit, or for the failure of the United States to pay either of said tribes any money due.

Mr. CURTIS. I should like to reserve the point of order on the amendment and have it go over. I have no objection to the amendment; and I think those Indians should have the right to go to the Court of Claims, but I object to putting legislation of that kind on this bill. I asked to have an item passed over a few minutes ago because it referred a case to the Court of Claims. I should like to have them all treated alike.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be passed over for the present.

The next amendment was, under the subhead "Carson School," on page 50, line 18, after the word "thereto," to strike out "as said Secretary deems for the best interest of the Indians" and insert "with said allottees as may be necessary," and in line 22, before the word "lands," to strike out "reserved," so as to make the clause read:

That in carrying out any irrigation project which may be undertaken under the provisions of the act of June 17, 1902 (32 Stats., 388), known as the reclamation act, and which may make possible, and provide for in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section of the general allotment act, the Secretary of the Interior be, and he hereby is, authorized to make such arrangement and agreement in reference thereto with said allottees as may be necessary: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such lands: *Provided further*, That to meet the necessary cost of carrying out this legislation the Secretary of the Interior is authorized to expend, out of the sum appropriated in this act for irrigation, an amount not exceeding \$13,000.

The amendment was agreed to.

The next amendment was, under the subhead "Santa Fe School," on page 52, after line 11, to insert:

For completion of the irrigation system on the Zuni Reservation in New Mexico, \$25,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Six Nations of New York. (Treaty)," on page 53, line 18, after the word "dollars," to insert "and such sum shall bear interest at the rate of 5 per cent per annum until withdrawn from the Treasury for payment to the Indians as hereinafter provided," so as to make the clause read:

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury to the credit of the Seneca Indians of New York the sum of \$118,050, and such sum shall bear interest at the rate of 5 per cent per annum until withdrawn from the Treasury for payment to the Indians as hereinafter provided, being the value of stocks held in trust for the Indians and taken by the United States, and canceled under authority of the act of June 27, 1846.

The amendment was agreed to.

The next amendment was, on page 54, after line 6, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to place upon the books of the Treasury the sum of \$70,000 to the credit of the Six Nations of New York Indians, excluding the Oneidas of Wisconsin, said sum being a capitalization, on a basis of 5 per cent, of the permanent annuity of \$3,500 paid in merchandise through the New York Indian Agency, as provided by the treaty of November 11, 1794, Seventh Statutes at Large, page 44, to the members of the Six Nations residing in the State of New York; and the said sum of \$70,000 shall be held as a tribal trust fund for the tribes entitled thereto, and draw interest at 5 per cent, and be subject to distribution under the direction of the Secretary of the Interior, in such manner and under such regulations as he may prescribe.

The Secretary resumed the reading of the bill under the heading "North Carolina."

Mr. CLAPP. The Senator from North Carolina [Mr. OVERMAN] brought me a suggestion a moment ago showing that a mistake had been made in the number of pupils at the Cherokee school. In his absence, I ask that the item be passed over for the present.

The reading of the bill was continued.

The next amendment was, under the subhead "North Dakota," on page 56, line 9, after the word "entitled," to strike out: "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States to the Territories from the Indians, and for other purposes."

And insert:

"An act to provide for the allotment of lands in severalty to the Indians of the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and amendments thereto.

So as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, on the approval of any allotment or homestead made to an Indian of the Turtle Mountain band of Chippewa Indians under the act of April 21, 1904 (33 Stat. L., 189, 194), to cause patent to issue therefor in the name of the allottee in accordance with section 5 of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to the Indians of the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and amendments thereto.

The amendment was agreed to.

The next amendment was, under the subhead "Wahpeton School," on page 57, after line 7, to insert:

For improving the heating and lighting plant, \$5,000.

The amendment was agreed to.

The next amendment was, on page 57, line 10, before the word "thousand," to strike out "twenty" and insert "twenty-five," so as to make the clause read:

In all, \$25,200.

The amendment was agreed to.

The next amendment was, in the items for the Wahpeton School, on page 57, after line 11, to insert:

In addition to the above, the Commissioner of Indian Affairs is authorized to expend in behalf of said school any unexpended balance of the appropriations heretofore made for said school for improvements thereon.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," on page 58, after line 9, to strike out:

For a monument to Cynthia Ann Parker, mother of Quanna Parker, chief of the Comanches, \$1,000, to be expended under such regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, under the head of "Five Civilized Tribes," on page 62, after line 18, to strike out:

For clerical work and labor connected with the sale of inherited and other lands, Five Civilized Tribes, \$10,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 22, to insert: For appraising, clerical work, and labor connected with the sale of restricted lands, Five Civilized Tribes, \$25,000.

The amendment was agreed to.

The next amendment was, on page 63, line 10, before the word "thousand," to strike out "fifteen" and insert "twenty-five," so as to make the clause read:

To enable the Secretary of the Interior to carry out the provisions of the act approved April 21, 1904, and section 1 of the act of May 27, 1908, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, \$25,000.

The amendment was agreed to.

The next amendment was, under the subhead "District agents," on page 63, line 18, before the word "thousand," to strike out "ninety" and insert "one hundred," so as to read:

Supplemental to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated for the salaries and expenses of district agents and other employees connected with the work of such agents, out of any funds in the Treasury not otherwise appropriated, the sum of \$100,000, to be immediately available as the Secretary of the Interior may direct; and all powers heretofore conferred by law on said district agents, who are designated by the act of May 27, 1908.

The amendment was agreed to.

The next amendment was, under the subhead "Schools," on page 64, line 12, before the word "thousand," to strike out "one hundred and fifty" and insert "three hundred," so as to make the clause read:

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of \$300,000, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

The amendment was agreed to.

The next amendment was, under the subhead "Completion of the work," on page 64, after line 23, to insert:

Whatever of said work remains uncompleted on said date shall be turned over to the United States Indian agent at the Union Agency, Okla., to be by him completed.

The amendment was agreed to.

The next amendment was, under the subhead "Seminoles (treaty)," on page 67, line 9, after the word "dollars," to insert "said sum, or any part thereof, so long as it remains in the Treasury, to draw interest at the rate of 5 per cent per annum," and, in line 17, after the word "fifty-six," to strike out:

And the Secretary of the Interior is authorized to pay per capita to the members of the tribe entitled thereto the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201).

So as to make the clause read:

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury to the credit of the Seminole tribe of Indians, the sum of \$570,000, said sum, or any part thereof, so long as it remains in the Treasury, to draw interest at the rate of 5 per cent per annum, being the balance of the unappropriated amounts due said tribe under article 8 of the treaty of August 7, 1856 (11 Stat. L., p. 702), and article 3 of the treaty of March 21, 1866 (14 Stat. L., p. 756).

The amendment was agreed to.

The next amendment was, at the top of page 68, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to withdraw from the Treasury of the United States, in his discretion, the sum of \$500,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma, and use the same for the benefit of said Indians.

The amendment was agreed to.

The next amendment was, on page 68, after line 7, to insert:

That the Secretary of the Interior is hereby authorized, in case after investigation he deems it for the best interest of the tribe, to set aside 640 acres of Choctaw land for the benefit of old Goodland Indian Orphan Industrial School, and to convey the same to said school in conjunction with the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation.

The amendment was agreed to.

The next amendment was, on page 68, after line 14, to insert:

That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee to the Benedictine Fathers of Sacred Heart Abbey, Oklahoma, for the following-described lands, now and for many years reserved for and occupied by the Sacred Heart Mission, to wit, the south half of section 7 and the north half of section 18, in township 6 north, range 5 east, on the Pottawatomie Reservation, Okla., containing 640 acres more or less.

The amendment was agreed to.

The next amendment was, on page 68, after line 23, to insert:

The sum of \$600,000 is hereby appropriated in full payment of the award of the United States Senate of February 16, 1903, in favor of the loyal Creek Indians, to be immediately available. Such funds shall be paid in proportion to the award as set out in the list of awards made by W. B. Hazen and F. A. Field, commissioners, on behalf of the United States: *Provided*, That amounts due decedents on such list shall be paid to their heirs or legal representatives: *Provided further*, That the Secretary of the Treasury is hereby authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creek and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him or those employed by him and for all disbursements and other expenditures had by him or his associates in behalf of said claimants in pursuance to said contract.

The Secretary of the Treasury is further authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, Okla., in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.

Mr. CLAPP. In line 2, page 69, after the word "Indians," I move to insert the words "pursuant to the stipulations of the treaty of March 1, 1901."

Mr. CURTIS. I desire to make a point of order against this amendment.

The PRESIDING OFFICER (Mr. HEMENWAY in the chair). Without objection, the amendment to the amendment will be agreed to.

Mr. CURTIS. I have no objection to the amendment to the amendment, but it ought to read "agreement" instead of "treaty," because there was no treaty of that date.

Mr. McCUMBER. It is the same thing.

Mr. CURTIS. The courts hold not.

The PRESIDING OFFICER. Does the chairman of the committee accept the modification?

Mr. CURTIS. It should be "agreement" instead of "treaty," because there was no treaty.

Mr. CLAPP. I think that is correct, probably.

The PRESIDING OFFICER. It will be so modified. The question is on agreeing to the amendment to the amendment as modified.

The amendment to the amendment was agreed to.

Mr. CURTIS. I make a point of order against the amendment, commencing on line 24, page 68, and running over to line 2, page 70, on the ground that it is general legislation, and that it is a claim.

Mr. McCUMBER. Before the Chair passes upon it, I should like to be heard.

The VICE-PRESIDENT. Will the Senator from Kansas withdraw his point of order, that the Senator from North Dakota may be heard?

Mr. CURTIS. Certainly; I will reserve it, or withdraw it, if that is necessary.

Mr. McCUMBER. I wish the Senator would state his point of order, and then I wish to discuss it and present some views upon the point of order.

The VICE-PRESIDENT. The Senator from Kansas may make the point of order, without objection, and the Senator from North Dakota will be heard. Under the strict rule, after a point of order has been made, debate is not in order.

Mr. McCUMBER. I understand.

The VICE-PRESIDENT. By the permission of the Senate, the Senator from Kansas will state the point of order.

Mr. CURTIS. By the act of 1903 Congress appropriated the sum of \$600,000 to settle this claim. The act provided that, if paid, the Indians should receipt in full settlement of the claim.

The VICE-PRESIDENT. The Senator from Kansas will kindly suspend while the Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived. The unfinished business will be stated.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. NELSON. I ask that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CURTIS. I have been requested by Senators to let this item be passed over, and I am perfectly willing that that course should be pursued.

The VICE-PRESIDENT. Without objection, the amendment will be passed over for the present, at the request of the Senator from Kansas. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill and read to line 20, on page 71.

Mr. SUTHERLAND. On page 71, line 20, after the word "school," I move to strike out the word "at" and to insert the word "of," so as to read, "at Indian school of Carlisle, Pa.," and so forth.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Indian Affairs was, in the items for the Carlisle school, Pennsylvania, on page 71, after line 23, to insert:

For improvement of heating system, \$10,000, to be immediately available.

The next amendment was, on page 72, after line 15, to strike out:

The Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures, of the Chamberlain School, South Dakota, for a price not less than \$26,000 (unless it should be disposed of to the State of South Dakota, in which case the limitation as to price shall not apply), upon condition that the property shall continue to be maintained and operated as an educational institution and that children of Indian parents shall have the same privileges of education as white children, but with tuition free: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose by sale or transfer to other schools such property as is not covered by the transfer of the realty, buildings, and fixtures.

And in lieu thereof to insert:

There is hereby granted to the State of South Dakota upon the terms and conditions hereinafter named the following-described property, known as the Chamberlain School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of South Dakota as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1910, if before that date the governor of the State of South Dakota files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

Mr. KITTREDGE. I present to the Senate, with a view of its acceptance by the committee, an amendment to be inserted at the end of the paragraph, in line 19, page 73, and if it is agreeable to the committee, I will be entirely satisfied to have the amendment adopted.

The VICE-PRESIDENT. The amendment to the amendment will be read by the Secretary.

The SECRETARY. Add at the end of the amendment the following:

If such property is not accepted by the State of South Dakota as hereinbefore provided, the Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures of the Chamberlain School, South Dakota, for a price not less than \$26,000, upon condition that the property shall continue to be maintained and operated as an educational institution, and that children of Indian parents shall have the same privilege of education as

white children, but with tuition free: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose of, by sale or transfer, to other schools such property as is not covered by the transfer of the realty, buildings, and fixtures.

Mr. CLAPP. I see no objection to the amendment to the amendment.

Mr. GAMBLE. I should like to hear the first part of the amendment to the amendment read again, as to the time when it will become operative.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

If such property is not accepted by the State of South Dakota as hereinbefore provided, the Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures, of the Chamberlain School, South Dakota, for a price not less than \$26,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 78, line 22, after the word "acre," to insert the following proviso:

Provided, however, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization heretofore engaged in mission or school work on said reservations, for such lands thereon as have been heretofore set apart to such organization for mission or school purposes.

So as to make the clause read:

On the Lower Brule Reservation: On agency reserve in section 15, township 107 north, range 73 west of the fifth principal meridian, described as beginning at the corner to sections 10, 11, 14, 15; thence west 330 feet on the section line between sections 10 and 15; thence south 264 feet; thence east 330 feet; thence north 264 feet to the place of beginning, containing 2 acres: *Provided, however*, That the Secretary of the Interior is hereby authorized, etc.

The amendment was agreed to.

The next amendment was, under the subhead "Sioux of different tribes, including Santee Sioux of Nebraska (treaty)," on page 79, line 20, before the word "hundred," to strike out "five" and insert "three," so as to read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, \$300,000.

Mr. GAMBLE. I suggest that the amendment be disagreed to. This is a treaty stipulation, and no recommendation has come from the department for a reduction of the appropriation. I ask that the amendment be disagreed to for the reason that it is a treaty stipulation and no suggestion has come from the department in regard to it. It is a matter of importance to the Indians there. I suggest that if such a reduction is to be made, the matter had better be referred to the department. It comes with a recommendation from the department for the original amount.

Mr. DIXON. I wish to say that probably I was partially responsible for that amendment in committee. The old treaty of 1877 does provide for rations for these Sioux Indians until such time as they shall become self-supporting. It was then my judgment and belief that as long as you issue rations to an Indian he never will become self-supporting. I think it was at my suggestion that the amendment was made to cut the amount from \$500,000 to \$300,000.

The amendment was rejected.

The next amendment was, under the subhead "Sioux, Yankton tribe (treaty)," on page 81, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the Flandreau tribe of Indians, in the State of South Dakota, per capita the balance remaining in the Treasury to their credit, approximating \$8,000, accruing to said Indians under the act of March 2, 1889.

The amendment was agreed to.

The next amendment was, on page 81, after line 12, to insert:

That the following-described tract of land situated in Boreman County, in the State of South Dakota, and described as follows, to wit: A strip of land 10 chains wide on the west side of lot 3, in sec. 26, of T. 20 N., of R. 25 E., of the Black Hills principal meridian, be, and the same hereby is, reserved for cemetery purposes for the perpetual use of the Indians of the Standing Rock Indian Reservation, and the same shall not be subject to taxation so long as the same may be used for cemetery purposes.

The amendment was agreed to.

The next amendment was, under the head of "Utah," on page 82, line 8, after the word "dollars," to insert "reimbursable," so as to make the clause read:

For constructing irrigation system, to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, as provided by the act of June 21, 1906, \$125,000, reimbursable.

The amendment was agreed to.

The next amendment was, on page 82, after line 8, to insert:

There is hereby granted to the State of Utah, upon the terms and conditions hereinafter named, the following-described property, known as the Panguitch School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall

be held and maintained by the State of Utah as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1910, if before that date the governor of the State of Utah files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

The amendment was agreed to.

The next amendment was, on page 82, after line 22, to insert:

To enable the Commissioner of Indian Affairs to perfect and protect the rights of the Uncompahgre, Uintah, and White River Utes in Utah in and to the waters appropriated under the laws of the State of Utah for the irrigation systems authorized by the act of June 21, 1906, \$200,000, or so much thereof as may be necessary, the amount expended hereunder to be reimbursed from the proceeds of the sale of lands within the former Uintah Reservation: *Provided*, That said sum, or any part thereof, shall be used only in the event of failure to procure from the State of Utah or its officers an extension of time in which to make final proof for waters appropriated for the benefit of the Indians, and any sum expended hereunder shall be reimbursed from the proceeds of the sale of the lands within the former Uintah Reservation.

The amendment was agreed to.

The next amendment was, at the top of page 88, to insert:

To enable the Commissioner of Indian Affairs to pay the Oneida band of Indians of the Oneida Reservation, Wis., their proportionate share of the perpetual annuity accruing to the Six Nations of New York Indians, under the sixth article of the treaty of November 11, 1794 (7 Stat. L., p. 46), on the basis of a capitalization of the said annuity at 5 per cent, as provided in the agreement made with the said Oneida band January 4, 1909, said agreement having been made in pursuance with the act of Congress approved April 30, 1908 (35 Stat. L., p. 70), \$20,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 89, after line 7, to insert:

That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board or other proper authority of any religious organization heretofore engaged in mission or school work on said reservations, for such lands thereon as have been heretofore set apart to such organization for mission or school purposes.

The reading of the bill was concluded.

Mr. CLAPP. On page 10, after line 23, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 10, after line 23, it is proposed to insert:

That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect.

The amendment was agreed to.

Mr. CLAPP. After the amendment just agreed to, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. After the amendment just agreed to it is proposed to insert:

That if any Indian tribe whose surplus lands have been or shall be ceded or open to disposal has received or shall receive an allotment embracing lands unsuitable for allotment purposes, such allotment may be canceled and other unappropriated, unoccupied, and unsurveyed land of equal area, within the ceded portions of the reservation upon which such Indian belongs, allotted to him upon the same terms and with the same restrictions as the original allotment, and lands described in such canceled allotment shall be disposed of as other ceded lands in such reservation. The Secretary of the Interior is authorized to prescribe rules and regulations to carry this law into effect.

The amendment was agreed to.

Mr. CLAPP. On page 32, after line 7, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 32, after line 7, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John K. Heyl, from the funds of the Kaw Indians in his possession, which have been set aside for the payment of certain claims, now in his possession, the sum of \$750, the same being in payment of a scrip of the said Kaw Indians issued to Robert S. Stevens or bearer, the said payment to be made on the basis of the liquidation of other like scrip of the Kaw Indians.

Mr. CURTIS. If the chairman of the Committee on Indian Affairs will consent to strike out the last clause of the amendment and insert the words "without interest," personally I shall not object to this amendment.

Mr. CLAPP. That should be done. The Senator from Kansas previously called my attention to that, but I overlooked it.

Mr. CURTIS. After the word "dollars" in the amendment, I move to insert "without interest," and then to strike out the last words of the amendment, "the said payment to be made on

the basis of the liquidation of other like scrip of the Kaw Indians."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, I desire to offer an amendment, to which I call the attention of the Senator from Kansas [Mr. CURTIS]. All amendments relating to sending matters to the Court of Claims have been passed over. Last year we adopted an amendment authorizing certain matters in Wisconsin to go to the Court of Claims. In doing that we named the parties who might bring the suits. It appears that one of those parties had died prior to the passage of that act. The object now is to allow his heirs to bring suit, and also to make provision for what was then omitted in the matter of taking depositions; so it will hardly be in line with the matters the Senator has in view.

Mr. CURTIS. May I ask the Senator from Minnesota a question?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. I do.

Mr. CURTIS. The object of this amendment is simply to perfect what was before in the bill?

Mr. CLAPP. Simply to perfect what was in the bill before.

Mr. CURTIS. I have no objection to that.

Mr. CLAPP. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 89, after line 14, it is proposed to insert:

That the provisions of section 2 of the act approved May 29, 1908, conferring jurisdiction upon the Court of Claims in certain cases against the Menominee Indians, and the same hereby are, extended to the heirs and legal representatives of William H. Stacey, formerly a trader upon the Menominee Reservation in Wisconsin, and to all other persons having claims against the Menominee tribe of Indians and against certain members of said tribe of the character described in said act, and the Secretary of the Treasury is authorized and directed to pay to Henry S. Comstock, attorney of record for said Indians in the Court of Claims, the sum of \$2,000 out of any funds in the Treasury to the credit of said tribe for the purpose of taking depositions, payment of witness fees, and other expenses necessarily incident to the preparation of the defense of said Indians against all actions brought or to be brought under the provisions of section 2 of the act above mentioned, the said amount to be accounted for in final settlement of fees and expenses with said court and to be deducted from the allowance made.

The amendment was agreed to.

Mr. CLAPP. Mr. President, the first item passed over was on page 4, relating to gravel pits and reservoirs.

The VICE-PRESIDENT. The first amendment passed over, as the Chair understands, begins in the middle of page 3 and embraces page 4 and two lines of page 5.

Mr. HEYBURN. It commences on page 2; and against that amendment I raise the point of order.

The VICE-PRESIDENT. That amendment has been agreed to. The Chair understands that the first amendment passed over begins in line 13, page 3, and ends at line 2, on page 5.

Mr. HEYBURN. I suggested at the time that the action on the amendments was so rapid that I was unable to interpose my objection to the first committee amendment. I requested that it should be open to the suggestion of the rule.

Mr. CLAPP. It may just as well be regarded as still open.

The VICE-PRESIDENT. Without objection, the amendment which was agreed to, on page 2, will be regarded as still open.

Mr. HEYBURN. I object to the amendment commencing in line 14, page 2, and extending down to line 11, on page 3, as being general legislation.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and the Chair sustains the point of order.

Mr. HEYBURN. Now, I make the same objection to the second amendment, commencing in line 13, on page 3, and continuing down to and including line 2, on page 5.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. I call the Senator's attention to the suggestion I am about to make, that on page 4, line 2, after the word "shall," the words "ascertain and fix the value of" be stricken out, and the words "negotiate with the Indians for" be inserted; and in line 3, after the word "so," the word "fixed" be stricken out, and the words "agreed upon" be inserted, so as to read:

The said Secretary shall negotiate with the Indians for said land, and upon the payment of the price so agreed upon, the said Secretary, etc.

Mr. HEYBURN. That will be entirely agreeable to me.

Mr. CLAPP. Very well. I move that amendment to the amendment.

Mr. HEYBURN. With that modification I should not object to the amendment.

The VICE-PRESIDENT. Does the Senator from Idaho withdraw his point of order?

Mr. HEYBURN. I do, in view of the amendment to the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota to the amendment of the committee will be stated.

The SECRETARY. In the amendment of the committee, on page 4, line 2, after the word "shall," it is proposed to strike out "ascertain and fix" and insert "negotiate with the Indians for;" and in line 3, after the word "so," to strike out "fixed" and insert "agreed upon," so as to read:

That when any railway company desiring to secure the benefits of this act shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, the said Secretary shall negotiate with the Indians for said land, and upon the payment of the price so agreed upon the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment passed over was, on page 7, after line 14, to insert:

That all patents issued for allotments to the Indians on the Stockbridge and Munsee Reservation, Wis., shall expressly declare that no sale of the lands described therein shall be made under any decree of any court or otherwise for or on account of any claim, judgment, execution, order, or for taxes, or voluntarily by the patentee or his or her heirs, unless such sale is approved by the Commissioner of Indian Affairs, and any such sale or conveyance made without such approval shall be absolutely void.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. LA FOLLETTE. I asked to have that amendment passed over. There is no reason why the restriction should be imposed upon the property belonging to these Indians. They are certainly as intelligent, as highly civilized, and as well advanced as any Indians in the United States, whether in New York or elsewhere. In the report for 1905 it is said:

The Stockbridge and Munsee Indians are fully equipped for citizenship and the management of their lands and moneys, and an early settlement of these affairs is earnestly desired.

And yet this amendment proposes to so encumber their property or to place such restrictions with respect to the improvement of their property that it will be impossible for them to build homes or borrow money or contract debts for opening up and making their farms.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. The Senator suggested that the amendment ought to be passed over and that later we might take it up. If the Senator feels that the position he has taken should be sustained, the amendment could be reached by a point of order and disposed of at this time.

Mr. LA FOLLETTE. I purposed to follow this brief statement with a point of order that the amendment is general legislation on an appropriation bill and ought to go out. I wanted to assign some reason for making the point of order; that was all.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and he sustains the point of order.

The next amendment passed over was, on page 23, after line 19, to insert:

That to carry into effect the agreement between the Confederate Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederate Bands of Ute Indians in Colorado for the sale of their reservation in said States, and for other purposes, and to make the necessary appropriations for carrying out the same" (21 Stats., p. 199), jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement, including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor; and the court shall set off against any sum found due said Indians the amount paid to them under the fifth section of said act of June 15, 1880, being \$50,000 per annum up to the date of rendition of final judgment in this cause, also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement; and the credit of \$1,250,000 set apart in the Treasury by the terms of said agreement, upon which said annuity has been estimated, shall, upon the rendition of final judgment in this cause, cease to exist as a trust fund, and from and after the date of said judgment no annuity shall be estimated or paid therefrom; and the action herein authorized shall be consolidated with cause Congressional No. 11248, now pending in said court, for the purpose of using at the trial thereof all evidence which has been adduced in said pending cause,

and shall be commenced by petition under the title of said pending cause and shall be conducted by the attorney of record now appearing therein, or by any attorney by him specifically authorized to appear; and the Attorney-General shall continue to appear and represent the United States; and in rendering judgment herein the court shall fix upon a quantum meruit and set apart just and reasonable compensation to the attorneys on behalf of plaintiffs who have rendered actual services in prosecuting said claim before the committees of Congress and in conducting the said cause before the courts in the name of the attorney of record in said pending cause, or any attorney by him specifically authorized, and said compensation shall be paid to such attorney by the Secretary of the Treasury out of any money in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment, or out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated, to be reimbursed to the United States from the funds of the Confederate Bands of Ute Indians, and the balance of said judgment shall be held in the Treasury for the benefit of said Indians as a trust fund, and the interest thereon shall be distributed annually to them in accordance with the terms of said act of June 15, 1880; and the said cause shall be advanced in hearing by the Court of Claims, and by the Supreme Court of the United States if the same shall be appealed: *Provided*, That after final judgment rendered in this cause, as herein authorized, the court may from time to time further consider and render judgments for the value of any lands whereof disposition shall be made subsequent to June 30, 1909.

Mr. TELLER. I want to say a few words about that amendment. It is in exactly the language of a bill which has heretofore passed the Senate, but has not passed the House. In 1879 we had some trouble with the Ute Indians in Colorado. They murdered their agent and did some other very bad things. On the 15th day of June, 1880, we made a treaty with them, and this provision is to carry out that treaty. We speak of it here now as an agreement, but originally such agreements were called "treaties." I have the treaty before me and if any Senator desires to have me go into the details of it, I can do so. I merely wish, however, to make a very brief statement, as we have not much time to spend on these matters.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. TELLER. Certainly.

Mr. CURTIS. I should like to know whether the amendment is a new and original proposition or simply one to correct an error that was made in a former appropriation bill?

Mr. TELLER. It is not to correct anything. It is really to send this case to the Court of Claims and let the court settle the controversy between the Government and the Indians. That is all.

Mr. CURTIS. As I understand, this claim was heretofore sent to the Court of Claims.

Mr. TELLER. It was sent under the Tucker Act, but the Court of Claims have very strongly indicated that they did not think they had jurisdiction. That is how it stands, and that is what we are afraid of—that the court will hold that they have not jurisdiction. A good deal of time has already been wasted.

I want to say that the controversy between the Indians and the Government is simply this: The Government say that prior to the treaty of 1880 they had advanced to these Indians a good deal of money, which is true. I participated in the discussion of that treaty twenty-nine years ago, and I know that it was accepted by the Indians and understood by the department itself to be a final settlement. There was no suggestion that any former advances should be considered in connection with the treaty. Now the Government say that they had made some advances before that time that ought to be charged up.

The Indians ceded to the Government of the United States a very large tract of land at a dollar and a quarter an acre. It included some of the most valuable land in the State of Colorado, property that to-day is worth four or five hundred dollars an acre. It included also a large tract of coal land, which is worth, according to the present estimate of the department, anywhere from \$50 to \$500 an acre. These Indians have been paid a stipulated sum yearly, I believe, although there is some dispute about that. The Indians claim otherwise, but I think they have.

The question is now, Shall the Government pay them for the land they have sold at a dollar and a quarter an acre and land that has been withdrawn from entry at a dollar and a quarter an acre? A large portion of this area has been withdrawn from settlement and is now in three great forest reserves, upon which no man can acquire any title whatever to property. The stipulation in the agreement of the Indians was that the Government should sell these lands and deposit the money in the Treasury. We want to get an opportunity to show to the court what the facts are and have it determined whether the Indians are to be charged for matters that occurred long before the treaty was made.

Then, we should like to have the court pass upon the question whether the Government ought to be paid for the land which has been segregated from the public lands and put into forest reserves. The stipulation was that whatever was sold should

sell at a dollar and a quarter an acre and that that should be paid to the Indians.

Mr. President, I do not see why anyone should object to the amendment. It provides that the Attorney-General shall look after the case and see that the Government is not wronged. It is the only way that the Indians can settle this controversy. They can not sue the Government unless we authorize them to do so.

Mr. CURTIS. I withdraw the point of order, Mr. President.

The VICE-PRESIDENT. The Senator from Kansas withdraws his point of order. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURTIS. Mr. President, in this connection I desire to say that I withdraw the point of order I made against the amendment offered by the Senator from Nebraska [Mr. BURKETT] on page 49.

The VICE-PRESIDENT. The Senator from Kansas withdraws the point of order made against the amendment offered by the Senator from Nebraska. The amendment will be stated.

The SECRETARY. On page 49, after line 14, it is proposed to insert:

That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said Omaha tribe from the United States under the treaty between the United States and the said Omaha tribe of Indians, ratified and affirmed March 16, 1854, or any other treaties or laws, or for the misappropriation of any funds of said Omaha tribe for purposes not for its material benefit, or for failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal or equitable claims, if any, of said Omaha tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Omaha tribe of Indians, and to enter judgment thereon. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court, it shall settle the right, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitation, and final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of this act; and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by the attorney employed by the said Omaha Indians under the contract filed in the Indian Office on the 4th day of March, 1898, and reported upon to the Secretary of the Interior on the 1st day of May, 1901, upon information and belief as to the existence of such facts, and no other statements or verification shall be necessary.

The attorneys of record shall be furnished with official letters, papers, reports, documents, and public records or certified copies thereof, which may be used in evidence if competent under the rules of said Court of Claims: *Provided*, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians: *Provided further*, That the Otoe and Missouri Indians, of Oklahoma, are hereby authorized to intervene in the said action and set up and have determined any right or interest they or either of them may have or claim to have in said claim; and jurisdiction is hereby conferred upon said Court of Claims to hear and determine all legal and equitable claims, if any, of said Otoe and Missouri Indians, of whatsoever nature, which either or both of said tribes of Indians may have or claim to have against the United States, the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount, if any, due either of said tribes from the United States under any treaties or laws of Congress of the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of either of said tribes for purposes not for their material benefit, or for the failure of the United States to pay either of said tribes any money due.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLAPP. The next item passed over is on page 54. I am advised that the Senator from North Carolina [Mr. OVERMAN] desires to offer an amendment in the provision for the Cherokee school in North Carolina.

Mr. OVERMAN. Mr. President, I have a copy of an amendment prepared by the gentleman who represents in the other House the district where that school is located.

Mr. CLAPP. Does the Senator desire to offer it now?

Mr. OVERMAN. Yes. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, line 25, after the words "education of," it is proposed to strike out "one hundred and sixty" and insert "two hundred;" and on page 55, line 1, before the word "thousand," to strike out "twenty-eight" and insert "thirty-four," so as to read:

For support and education of 200 pupils at the Indian school at Cherokee, N. C., and for pay of superintendent, \$34,220.

Mr. OVERMAN. I wish to say that the reason I offer the amendment is that the supreme court of North Carolina in a recent case, found in a late volume of the North Carolina Reports, decided that the Cherokee children are amenable to the laws of North Carolina, which require every man to send his children to school. There are 227 in the school now.

The amendment was agreed to.

Mr. CLAPP. I will ask permission at this time to correct the totals. There have been some changes made.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. CLAPP. On page 10, after the amendment which has been adopted there, I desire to submit another amendment. I want to say that the Senate has been very indulgent with these amendments. This is something the department is very anxious to have done. A bill for this purpose passed the Senate some time ago. I offer the amendment.

The SECRETARY. On page 10, after line 3, and after the amendments already agreed to at that point, it is proposed to insert:

That any adult Indian of any reservation to whom an allotment has been or hereafter shall be made and a trust or other patent containing restrictions on alienation issued, or hereafter shall be issued therefor, is, with the consent of the Secretary of the Interior and under such regulations as he may prescribe, hereby authorized to sell the timber on his allotment.

Timber on the allotments of minors may, upon the approval of the Secretary of the Interior, likewise be sold by the father, mother, or Indian agent, or other officer in charge, in the order named, and the Secretary of the Interior shall make such regulations for the disposition of the proceeds of said sales as may be necessary to protect the interest of said Indians, including such minors.

Mr. TELLER. I should like to have the word "guardian" included there somewhere—the guardian, under the direction of the Secretary of the Interior.

The VICE-PRESIDENT. The amendment reads:

By the father, mother, or Indian agent, or other officer in charge, in the order named.

Mr. TELLER. Perhaps that will cover it.

Mr. LA FOLLETTE. I ask to have the amendment read again.

The VICE-PRESIDENT. The Secretary will again read the amendment, at the request of the Senator from Wisconsin.

The Secretary again read the amendment.

Mr. LA FOLLETTE. I am constrained to make the point of order against the amendment that it is general legislation upon an appropriation bill.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and therefore sustains it.

Mr. TELLER. I wish to offer an amendment, and I desire to say a word or two about it. I send up the amendment to be read.

The SECRETARY. On page 2, after line 13, it is proposed to insert:

To provide for the protection of Indian property and the prosecution of crimes and offenses committed against Indians and Indian property, the sum of \$25,000, to be expended at the discretion of the President, the same to be immediately available.

Mr. TELLER. Mr. President, I find there is a small appropriation—I think twenty-five hundred dollars—provided in the pending bill for this purpose, and perhaps for some other purposes.

I have some personal knowledge of the conditions of Indian property. I have gone on two committees into the Indian country—down into Oklahoma. I have some knowledge of the condition of the Indians in the western country, as well as in the Southwest. I know that there have been committed against the Indians a great many frauds of recent date. There are a large number of prosecutions now on hand by the General Government, I understand, and I want to have a reasonable amount of money provided for their prosecution. I do not know—it might have been put into the hands of the Secretary; but on consultation with some people who know about those matters, I thought it better to put it in the name of the President. Of course, the work will be done under the Secretary of the Interior, whoever he may be.

I think this ought to be done. I think common justice to the Indians requires that we should furnish some means to protect their property, and to protect their persons in some cases. The Senator from Kansas, I think, accompanied me on one of those expeditions, and he will sustain me in the statement that we ought to have some help from the General Government in these cases.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

Mr. FLINT. I offer the amendment I send to the desk.

The SECRETARY. On page 18, after line 19, it is proposed to insert:

For payment to James H. Owen, of Los Angeles, Cal., of the amount found to be due him by the Secretary of the Interior under contract of May 31, 1906, for the erection of buildings and irrigation works at the Truxton Canyon Indian School, Arizona, \$930.

The amendment was agreed to.

Mr. GORE. I desire to offer an amendment to the pending bill, to be inserted after line 9, on page 58.

The SECRETARY. On page 58, after line 9, it is proposed to insert:

That the Secretary of the Interior is hereby authorized and directed to turn over to the proper officers, respectively, of the counties now forming a part of the area covered by the counties of Caddo, Kiowa, and Comanche, State of Oklahoma, upon such equitable basis as may be satisfactory to and approved by the Secretary of the Interior, the respective unexpended balances of the funds derived from the sale of town lots in the towns of Anadarko, Hobart, and Lawton, Okla., under the act of March 3, 1901, and by that act and the acts of June 30, 1902, and March 14, 1906, set apart for the construction of public improvements in the said counties, as a trust fund to be by them, or under their supervision, expended solely for the construction and completion of public improvements in the counties aforesaid, as provided by the enactments of Congress creating and regulating the disposition of said funds, and for expenses necessary in connection with the construction and completion of such improvements.

Mr. GORE. I ask that the letter accompanying the amendment be printed in the Record.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CURTIS. I make the point of order against the amendment, unless some explanation is made showing the necessity for it.

Mr. GORE. I will make an explanation, which I hope will be satisfactory.

A measure for this purpose has already passed the Senate, but the condition of affairs in the other House makes it impossible to pass it there at this session. It is urgently desired by the department, and I sent to the desk with the amendment a letter from the Secretary of the Interior urging its passage. It is a matter the department is very anxious to be rid of.

Mr. CURTIS. I should like to ask the Senator if he can explain what change it makes in existing law?

Mr. GORE. There is a remaining balance from the sales of those town lots, which arose seven years ago, still in the hands of the department, and they desire to turn this money over to the local authorities in those counties in order to get rid of the further distribution of the fund.

Mr. CURTIS. As I understand, the law required these improvements to be made by the Secretary of the Interior or under his direction.

Mr. GORE. That was the law, and a good many have been made, but a portion of the fund still remains, and the Secretary desires that it be turned over to the counties. I will ask that the letter I sent to the desk be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

FEBRUARY 3, 1909.

Hon. J. S. SHERMAN,
Committee on Indian Affairs, House of Representatives.

SIR: By your reference of January 30, 1909, for report, I have the honor to acknowledge receipt of copy of H. R. 11342, entitled "A bill providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla."

The bill authorizes and directs the Secretary of the Interior to turn over to the proper officers, respectively, of the counties of Caddo, Kiowa, and Comanche, and the towns of Anadarko, Hobart, and Lawton, in the State of Oklahoma, the unexpended balances derived from the sale of the town lots under the act of March 3, 1901.

By section 30 of the act of May 29, 1908 (35 Stat., 458), the Secretary of the Interior was authorized and directed to turn over the unexpended balances due the towns of Lawton, Hobart, and Anadarko, so that there is only remaining in the custody of the United States the balances due the counties of Caddo, Kiowa, and Comanche. The areas covered by the original counties have since been subdivided, and there are several additional counties covering the same territory.

It is therefore respectfully recommended that clause "and the towns of Anadarko, Hobart, and Lawton," lines 5 and 6, page 1, and the words "and the towns," in line 13, page 1, and line 3, page 2, of the bill be stricken out. Also, that there be inserted after the word "counties," in line 5, page 1, the following: "Now forming a part of the area covered by the counties," and after the word "Comanche," in the same line, the words "on March, 1891."

The balances due the respective counties now lie in the Treasury. It appears that the various commissioners of the various counties of the original Comanche County have agreed among themselves as to how the balance remaining for that county may be satisfactorily divided between them. There has apparently been no subdivision of Kiowa County. Grady County covers a portion of the original Caddo County, but this department has not been advised of any agreement for partition between these counties. As Oklahoma has now become a State, there is no reason why the expenditures should be now supervised by this department, nor why the fund should not be divided among the counties upon such equitable basis as may be satisfactory and approved by the Secretary of the Interior.

This department would, therefore, recommend the passage of the bill amended, so as to provide for the distribution suggested.

Very respectfully,

(Signed) FRANK PIERCE,
Acting Secretary.

Mr. CURTIS. I withdraw the point of order.

The VICE-PRESIDENT. The point of order is withdrawn. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

Mr. GORE. I offer another amendment, to follow the one just agreed to.

The SECRETARY. After the amendment just adopted, on page 58, after line 9, it is proposed to insert:

The Secretary of the Interior is authorized to allot to the children born to members of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma since June 5, 1906, such allotments to be made out of the remaining unallotted lands belonging to said tribes, and to be as nearly equal in value as practicable.

Mr. CURTIS. I make the point of order against the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. CURTIS. That it proposes general legislation and changes existing law.

The VICE-PRESIDENT. The Chair sustains the point of order that it is general legislation.

Mr. GORE. I ask the Senator from Kansas to withhold the point of order for just a moment.

Mr. CURTIS. I do not see how I can. I feel that the bill is being loaded down with a lot of matters that ought to go through as independent measures, and I insist on the point of order.

The VICE-PRESIDENT. The Senator from Kansas insists upon the point of order.

Mr. McCUMBER. I offer the amendment I send to the desk.

The SECRETARY. After line 2, on page 70, it is proposed to insert:

That the Attorney-General of the United States is hereby authorized and directed to move the advancement upon the docket of the Supreme Court of the United States of the case of J. E. Fleming et al. v. Green, McCurtain et al., Docket No. 535, to the earliest practicable hearing.

The amendment was agreed to.

Mr. GORE. I desire to submit an amendment to be inserted after line 17, on page 67.

The SECRETARY. On page 67, after line 17, it is proposed to insert:

SEC.—The Secretary of the Interior is authorized and directed to cause to be paved that portion of the streets adjacent to the Creek national capitol at Okmulgee, Okla., which said portion would be chargeable to the property if it were private property, and the expense of such paving shall be defrayed out of the fund belonging to the Creek tribe of Indians.

Mr. CURTIS. I make the point of order against the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. CURTIS. That it is general legislation.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. OWEN. I have several small amendments which are offered in accordance with the wish of the Interior Department, who have reported on the matter, and I have the report of the Secretary of the Interior which I should like to have appear in the RECORD without being read, unless some one would like to hear it.

The VICE-PRESIDENT. Without objection, the report will be inserted in the RECORD without being read.

The report is as follows:

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 10, 1909.

MY DEAR SENATOR CLAPP: I am sending you herewith the formal report on Senate bill 8776, relative to the winding up of the affairs of the Five Civilized Tribes.

I have found it quite impossible to formulate any statement which would fairly show the conditions which have been complained of regarding persons who claim to have been omitted from the tribal rolls. It seems to me almost impossible to classify the various complainants in such fashion as to give a clear idea of either the reason for the classification or the number of persons who might come within any special class.

It seems to me that if we attempt to open the rolls for any class of claimants, more harm than good will be the result.

I am, however, still considering this question, and will advise you further; but send this report on, as I understand your committee desires to consider the Senate bill 8776 to-morrow morning.

Very truly yours,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, February 4, 1909.

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs,
United States Senate.

DEAR SIR: I have, by your reference of January 28, Senate bill 8776, "To enable the Secretary of the Interior to dispose of the affairs of the Five Civilized Tribes, and for other purposes."

The underlying purpose of this bill is very proper and necessary. For years Congress has been providing in the Indian appropriation acts that the Commissioner to the Five Civilized Tribes shall wind up the affairs of those tribes on or before the end of the following fiscal year. The intricacy of the work of that commission, the multitudinous questions which have arisen, the extreme importance of doing full justice to the Indians, have all combined to make it impossible to close the affairs as the various acts direct. In addition to the ordinary difficulties of administration, the department has been confronted with a large number of suits, some of them involving the enrollment and property rights of thousands of persons.

The Goldsby and Allison suits, recently decided by the Supreme Court, have established the status of about 300 citizens of the tribes who, previous to that decision, had been treated as legally stricken from the rolls. While these cases were pending, most of their selected allotments have been applied for by other enrolled members. It will now be necessary to allow the three hundred to perfect their rights and to see that others who had tentatively applied for their allotments get allotments elsewhere.

Other suits are now being filed in what may prove to be more than 1,000 cases, in which—although the essential point on which the Goldsby case was decided is lacking—there are other features of considerable similarity.

"The Muskrat" case, recently decided by the Court of Claims, established (unless the Supreme Court should overrule the decision) the right of hundreds of Cherokees to be upon the rolls and share in the tribal land and money. This suit has been appealed, and action under the decision must be delayed until the Supreme Court has rendered final judgment.

The so-called "Fleming suit" is supposed to affect the rights of more than 13,000 claimants. It is now in the Supreme Court for consideration.

There are other suits pending and likely to be brought. Under the circumstances, and without some definite provision of law providing for the manner in which the affairs of the Five Civilized Tribes shall be closed, it may be years before the Commissioner to the Five Civilized Tribes can actually complete his work.

I am convinced that the method of procedure set forth in the various sections is necessary and equitable, and that they would accomplish a final and proper adjustment of the matter in question. I am not certain, however—and I draw particular attention to my hesitancy—that the length of time allowed before final action is sufficient to insure opportunity for a full and reasonable return to the tribes from their property, or that those determined by the courts to be entitled to enrollment will be identified by final judgment of the courts before December 1, 1911, the date fixed in S. 8776 for completion of the distribution of the funds belonging to the tribes.

I ask, therefore, that the committee consider whether the date, "May 1, 1910," found in lines 24 and 25 of the third page of the bill, should not be made at least as late as December 1, 1910; and whether the date "July 1, 1911," found in lines 10 and 11 of the fourth page of the bill, should not be extended to as late as December 1, 1911; and whether the date "December 1, 1911," found in line 5, and again in line 9, on page 7 of the bill, should not be as late as July 1, 1912.

This extension of the time seems necessary for two reasons: First, in order that there may be better opportunity for final court judgments, since the Supreme Court could advance and consider the cases during the winter of 1911-12 which might not reach that body in time for judgment prior to December 1, 1911; and, second, because there should be the fullest reasonable opportunity to secure for the tribes an adequate return from the sale of their residue land. The property involved consists of millions of acres, of which about 300,000 acres contain valuable deposits of coal, and nearly a million acres are covered with timber of considerable value.

The purpose of the bill is to divide the landed property of the Indians into three classes: (1) The surface of the Choctaw and Chickasaw coal and asphalt lands, (2) the coal and asphalt contained in that land, and (3) all the other land left after final allotments have been made.

The plan involves as speedy a classification and appraisal of these lands as possible, in order that there may be one or more offers for all of it to the public under sealed bids, at not less than the appraised value, prior to May 1, 1910, as the bill now provides, or December 1, 1910, as I suggest; and that after such date, but before July 1, 1911, as the bill provides, or December 1, 1911, as I suggest, this land shall be offered one or more times in such way that before the final date it shall have been offered with no restriction as to area or upset price, in order that if the land then remaining has any value whatever it may be disposed of to the person or persons offering to purchase it.

I also understand that, by section 4, the bill proposes to protect the tribes and the members thereof from any contracts they may have entered into which might consume part of the proceeds from the proposed sales; also, that the bill provides that those who are lawfully on the rolls and do not obtain an allotment of land shall receive, in full satisfaction for allotment right, an amount twice the average value of the land subject to allotment; also, that the funds of the tribes shall be distributed before December 1, 1911, as the bill provides, or before July 1, 1912, as I suggest, such distribution being unrestricted, except that allottees of more than three-quarters Indian blood whose restrictions have not been entirely removed shall receive half of their distributive shares without restrictions, the other half being held by the Secretary of the Interior and expended later for the benefit of such restricted Indians; also, that the councils of the tribes shall not meet except with the approval of the Secretary of the Interior, in order that they may not consume the funds of the tribes in useless and prolonged meetings.

By the arrangements suggested above, the duties of the Commissioner to the Five Civilized Tribes would be surely at an end July 1, 1912, and as soon before that time as the court and contest proceedings and sales of land could be brought into such shape that the Indian agent would be able to handle the matter, with the help of the district agents, in the way that the affairs of tribes other than the Five Civilized Tribes are now handled.

Section 7 is necessary, because the tribal funds of the Creek Nation are not sufficient to equalize their allotments, as now provided by law.

The reason for this is that a large number of minors were added to the rolls with the consent of the nation, and for that reason there will be practically no residue of land to be sold. Since there is not sufficient money to equalize these allotments, the only reasonable and logical method would seem to be to pro rate the money available among them, saving out only enough to be sure to meet the current expenses of the tribe until such time as their tribal rolls may be finally closed.

Section 8 provides a remedy for a situation which in many respects would bring about complications and inequities. There are many payments on town lots in default. The defaulting purchasers own the improvements on the lots, and would strenuously oppose the taking of these improvements by a subsequent purchaser. The defaults of payment are largely due to the recent financial stringency and to uncertainty about the outcome of the town-lot fraud cases. There would seem to be no objection from the standpoint of the tribes that an opportunity for making defaulted payments should be given to and including a specific date.

Section 9 is necessary if the affairs of the Choctaw and Chickasaw nations are to be closed out. The law now permits freedmen who received less than 40 acres of land in their allotments to purchase at the appraised value enough land to bring their holding up to said 40 acres. Many or most of these freedmen will never exercise this right, and for that reason it is necessary to fix a limitation whereby their right will become automatically and equitably extinguished. If the bill passes at this session of Congress, the time allowed—to December 1, 1909—would seem to be equitable.

In addition to the sections contained in the bill I suggest the following:

"SEC. 10. That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to take charge of and lease, for terms not exceeding those provided by law for the various classes of leases for restricted allotments of the Five Civilized Tribes, all restricted lands allotted to members of any of the Five Civilized Tribes having three-quarters or more Indian blood when such allottees fail or refuse to accept or take possession of their allotments: *Provided*, That leases made hereunder which could have been legally made by the allottee without the approval of the Secretary of the Interior shall be delivered to him for administration at any time when he shall accept them: *And provided*, That until said allottees accept the administration of said leases the expense of making leases which the allottee could have legally made for himself without the approval of the Secretary of the Interior shall be reimbursed to the fund for the expenses of district agents provided for in the Indian appropriation act, the net proceeds thereof, together with all the proceeds of leases which require the approval of the Secretary of the Interior, to be held by the Indian agent, Union Agency, and paid to the respective allottees as soon as they will accept said payments."

The propriety of such a provision of law is based upon the fact that a large number of full-blood Choctaws, Creeks, and Chickasaws have refused to accept their allotments. Their allotment certificates and deeds sent to them by registered mail have been returned to the Indian agent. Most of these allottees do not know where their allotments are situated and are obtaining no return from them. Under the proposed section the district agents, without very great loss of the time which they are using to so much advantage in the protection of minors and in the removal of restrictions, could let it be known that they will make leases for such allotments, and the Indian agent, who is under a \$400,000 bond, could hold the proceeds until the recalcitrant allottee can be found. There is no case on record where an allottee has refused to accept money, and I believe that as soon as any such allottee finds that there is money available for him and that his allotment will bring him an income for the future, he will take over the lease from the department, accept his allotment certificate and deed, and become interested in the use of the land allotted to him. In this way it is hoped that the Night Hawk and Snake bands, who are refusing to accept their allotments, will be induced to follow the lead of the majority of the members of the Five Civilized Tribes. In this way also it will be possible for the district agents to get in touch with this class of Indians and obtain their consent for selling part of their allotments in order that the proceeds may be used in improving the remaining portion. This will certainly be to the advantage of the Indian and will rapidly increase the area of taxable land in eastern Oklahoma.

I urge upon the attention of the committee that a large area of timber land in the Choctaw Nation, something over a million acres, is situated at the headwaters of rivers very liable to floods, and is the only stretch of forest land in a very large region. I am convinced that it would be constitutional for the Government to purchase this land from the Indians for a reasonable price and hold it as a national forest. All the land in this region which, because of being situated along creek and river bottoms, is capable of agricultural use has been allotted. The unallotted portion is rough, broken land which can not be utilized for home making. Unless Congress makes some provision for the retention of this area as a national forest, it will, either under the provisions of this bill as introduced or by operation of existing law as soon as allotments are completed, be disposed of by the Secretary of the Interior and pass forever beyond the reach of government conservation. As I said above, the acquisition of the land by the Government would seem to be constitutional for the purpose of protecting navigable streams. It would be at least a paying investment for the Government, because the sale of timber under wise forest management would amply repay the purchase price. It would be fair to the Indians, because, if the land is exposed to sale, the cream of it will be bought in to begin with, and the remainder will be left as a drug upon the market. Choctaw and Chickasaw delegates have expressed to me informally their feeling that if the present appraised value of this land should be given to the Indians by the Government, the compensation would be fair, since the good and bad land would have to be taken in one lump. The Indians themselves would profit both practically and sentimentally by the maintenance of this public forest. Those who are not willing to adopt the ways of civilization would have a stretch of wild land, within which they could live and fish and hunt so long as they abide by the federal and state laws, whereas those who have allotments along the rivers and in the proximity of this forest land would have the protection of stream flow and the opportunity to purchase timber and wood at better prices, not only to-day, but for generations to come.

If the committee should deem it wise to adopt the above suggestions they can do so by amending section 3 as follows:

1. In line 15, page 3, after the words "Five Civilized Tribes," insert "except not to exceed 1,200,000 acres of timber land in the Choctaw Nation in a compact body to be designated by the Secretary of the Interior."

2. Add a new section between sections 3 and 4, on page 6, which shall read:

"SEC. 3a. That the compact body of timber land in the Choctaw Nation not to exceed 1,200,000 acres, as it may be designated by the Secretary of the Interior, is hereby set aside as a national forest, to be known as the "Choctaw National Forest," and to be protected, administered, and improved according to the laws, rules, and regulations applicable to national forests in general; and there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$1,800,000, or so much thereof as may be necessary, to pay to the Choctaw and Chickasaw tribes of Indians for the body of timber land, not to exceed 1,200,000 acres, designated for said national forest by the Secretary of the Interior, at the rate of \$1.50 per acre, and the amount to be paid when definitely determined shall be transferred in the Treasury Department to the funds of said Choctaw and Chickasaw nations, to be disbursed as part of said funds."

I find that the following further changes should be made in the bill:

1. In line 6, page 1, the words "such enrolled persons" should be stricken out and in their place there should be inserted the following words: "any enrolled persons of the Cherokee, Choctaw, or Chickasaw nations have not completed their allotments, and." The reason for this is that those enrolled with the Creek and Seminole nations have no remnant allotments to select, and unless the above words are inserted, there might be some confusion.

2. At the end of section 2, on page 3, there should be inserted the following:

"*Provided*, That this section shall not apply to those who have made allotment selections for which certificates of allotment have issued."

The reason for this is that the courts have held that the issuance of allotment certificate passes the title, and beyond that consideration it does not seem wise to allow those who have already obtained their allotments to cause confusion and delay by attempting to surrender them and take money instead.

3. In line 20, page 3, after the word "coal," insert the words "separate from the surface;" and in the same line, after the word "asphalt," insert the words "together with the surface;" also after the word "coal," in line 6, page 4, insert the words "separate from the surface;" and after the word "asphalt," in line 7, page 4, insert "together with the surface." The reasons for these insertions is the fact that the asphalt lies practically on the surface and is worked in open quarries. Consequently a sale of asphalt without a sale of the surface would be unreasonable. By inserting the words indicated above, I am confident this section without further change will provide for sale of asphalt, together with the surface and of the coal, separate from the surface.

In line 1, at the top of page 5, after the words "may elect," there should be inserted the words "but in no case later than February 1, 1912." The necessity for this insertion is to prevent delay in payments to such an extent that the provision for distributing the funds would be necessarily defeated. On page 7 strike out the word "before," both in line 5 and line 9, and in each instance substitute for it the words "payments to begin not later than." The reason for this is that the difficulty of making 100,000 payments is so great that practically a year will be consumed in their completion. This is because of the difficulty in finding the whereabouts of the Indians and the physical work required in making sure that each payment goes to the entitled payee. This provision would not delay final distribution one day longer than practically necessary, and would not require the continuation of the Commission to the Five Civilized Tribes, since the Indians are always paid by the Indian agent or by special agents of the department.

Commissioner J. George Wright has made a careful study of the expense necessary for appraising land and mineral under section 3 of the bill. He reports that in the Creek Nation there are approximately 70,000 acres unallotted. This is distributed over about 120 townships, for which reasons it would take 10 men about five months to make the appraisements, at a cost of practically \$7,000.

In the Cherokee Nation there are approximately 40,000 acres of unallotted lands in small tracts distributed over 150 townships. This would require 4 men four months, at a cost of \$4,000.

The Choctaw and Chickasaw unallotted land, approximately 3,245,000 acres, is distributed over 612 townships. In about 106 of these townships there is more or less pine timber of a commercial value. To appraise this land and timber would require about 35 men for six or seven months, at an aggregate cost of about \$25,000.

The total cost, therefore, would be approximately \$36,000. I therefore suggest it would be impossible with the force already provided for the Commissioner to the Five Civilized Tribes and the Indian agent to make these appraisals, and I further suggest that the following section be added to the bill:

"SEC. 11. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$36,000, or so much thereof as may be necessary, to be expended by the Secretary of the Interior in making the classifications and appraisements provided for in section 3 hereof."

In connection with the disposal of land of the Five Civilized Tribes, I call your attention to the fact that section 10 of the act of May 29, 1908, provides for the sale of 2 acres for school purposes in each district. There are two mistakes in that provision. One is that the 2 acres should have been 2½ acres, for the reason that 2 acres can not be surveyed in terms of government surveys, for which reason the cost of surveying and deeding the land for school purposes is very much increased. The provision that there may be but one school site for each school district falls short of covering the ground, since in Oklahoma each district where there are colored children must maintain two separate schools. I therefore suggest the addition of still another section to the bill, as follows:

"SEC. 12. Section 10 of the act of May 29, 1908 (35 Stat., 444), is hereby amended to read as follows: 'Sec. 10. That the Secretary of the Interior is hereby authorized to sell for use for school purposes to school districts of the State of Oklahoma from the unallotted lands of the Five Civilized Tribes land not to exceed two tracts of 2½ acres each in any one school district, at prices and under regulations to be prescribed by him, and proper conveyances of such land shall be executed in accordance with existing laws requiring the conveyance of tribal property; and the Secretary of the Interior also shall have authority to remove the restrictions on the sale of such lands, not to exceed two tracts of 2½ acres each for each school district, as allottees of the Five Civilized Tribes, including full bloods and minors, may desire to sell for school purposes.'"

Very respectfully,

JAMES RUDOLPH GARFIELD,

Secretary.

The VICE-PRESIDENT. The first amendment proposed by the Senator from Oklahoma [Mr. OWEN] will be stated.

The SECRETARY. On page 64, in line 26, it is proposed to insert:

Provided, That allottees of the Cherokee, Choctaw, and Chickasaw nations having remnant allotments due them of not exceeding \$50 in value shall be paid twice the value thereof in lieu of such allotment by check from the tribal funds of their respective tribes.

Mr. CURTIS. Is it limited to the tribal funds? Is the payment to be made out of the funds?

Mr. OWEN. Yes, sir.

Mr. CURTIS. Instead of giving them land that is worth less than \$50?

Mr. OWEN. It is out of the tribal funds.

Mr. CURTIS. In lieu of land they have of a value of less than \$50? I have no objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Oklahoma [Mr. OWEN] will be stated.

The SECRETARY. On page 64, after line 26, it is proposed to insert:

The Secretary of the Interior is directed, after July 1, 1909, and prior to December 1, 1909, to pay allottees out of the Creek funds the amounts severally due for the equalization of their allotments: *Provided, That in making such payment for the equalization of the Creek allotments \$800 shall be taken as the standard value of an allotment.*

Mr. CURTIS. I dislike very much to make the point of order against the amendment, for I really think it ought to be enacted into law. But I think it should be taken up by the committee in a proper way; and so I make the point of order against it.

The VICE-PRESIDENT. What is the point of order?

Mr. CURTIS. That it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that it proposes general legislation, and therefore sustains the point of order. The next amendment proposed by the Senator from Oklahoma [Mr. OWEN] will be stated.

The SECRETARY. It is proposed to insert at the same place the following:

The tribal councils when meeting shall receive compensation only for the length of time authorized by the Secretary of the Interior.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Oklahoma [Mr. OWEN] will be stated.

The SECRETARY. After the amendment just agreed to it is proposed to insert:

The town-plot payments in default shall not work forfeiture if payment with 10 per cent interest from date of such default is made before July 1, 1909. All right to acquire land for allotment by Choctaw and Chickasaw freedmen shall cease December 1, 1909.

Mr. CURTIS. I think the junior Senator from Oklahoma should explain the necessity of those two amendments.

Mr. KEAN. Or let them go out on points of order.

Mr. OWEN. The necessity for the amendment is this: The Secretary of the Interior has laid out a very large number of towns in Oklahoma in the lands which formerly comprised the land of the Five Civilized Tribes. The town lots go into the thousands, and in many of those cases transfers have been made, and parties to whom transfers have been made were not notified of these pending balances. The law provided forfeiture if they were not paid. In some cases notices were sent to the houses, and they were not delivered. I have a report from the department in regard to it, and it can be read if the Senate desires. I think there should be no objection on the part of anyone to the amendment.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. Does the department ask for this legislation?

Mr. OWEN. I understand the department wishes it. I have here the report from the department. A similar provision is also in the bill which was reported—the Five Tribes bill—which the Senator will probably remember.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

Mr. OWEN. I have another amendment, providing for the payment of the Eastern Cherokee council. Congress two years ago appropriated approximately \$4,000 out of their funds to pay them for their attendance at the Eastern Cherokee council, and going to and from. They have not been paid because of a technicality, and this is intended to confirm what Congress previously intended to do. I should like to have it read.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to insert at the end of the bill the following:

The Court of Claims is hereby authorized to allow, and, upon such allowance, the Secretary of the Treasury is hereby directed to pay out of the sum awarded to the Eastern Cherokees, under the judgment of the Supreme Court of the United States, October term, 1905, to the several members of the council of the Eastern Cherokees the sum of \$5 per diem each for the period they severally rendered service in going to and from and attending the councils of the Eastern Cherokees, as shall be certified to the Court of claims by the president and secretary of the council, and otherwise established to the satisfaction of said court.

The amendment was agreed to.

Mr. OWEN. I offer an amendment in regard to suits which have been brought in eastern Oklahoma relative to land titles. I should like to have the amendment read, and I desire to offer a brief explanation.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment, which will be stated.

The SECRETARY. At the end of page 64 it is proposed to insert:

Provided, The Attorney-General is hereby authorized and directed to immediately dismiss the suits brought by the United States to set aside land titles in the eastern district of Oklahoma where the consideration was not inequitable and where there is no actual fraud involved.

Mr. KEAN. I shall have to make the point of order against the amendment.

Mr. OWEN. I ask the Senator to withhold the point of order until I can have an opportunity to explain the purpose of this item.

Mr. KEAN. Certainly.

Mr. OWEN. Mr. President, last year in the Indian appropriation act we provided the sum of \$50,000 to be used in protecting the Indians of the Five Tribes against fraudulent transactions. The purpose of that was manifest on its face—that these suits were to be brought at the request of the allottees. The language of the bill was “at the request of the allottee,” and it was presumed that the money would be used in protecting the Indians there against actual fraud, or where some palpable wrong had been committed against them. But instead of the suits being brought in pursuance of law, they were brought under a general plan, bringing a cloud upon the title of every piece of land where there was any transaction whatever prior to the time when the restrictions were removed. It made no matter whether the parties were perfectly satisfied, whether the consideration was equitable and fair, whether they were now content with it; but it was brought for the purpose of requiring those who had been charged with fraud to prove their innocence. It was a general plan which embraced everyone who might be in anywise interested.

The effect of it has been to make titles in eastern Oklahoma regarded with extreme doubt all over the country. It has stopped immigration to our country and has lowered the value of land, and since the original purpose was merely to protect against fraud, and since this bill provides \$100,000 to be used by the representatives of the Secretary of the Interior, known as “district representatives,” who are charged with the duty of advising the uninformed members of the late Five Tribes, it does seem to me the State ought to have its peace against suits brought where there is no fraud, and where the consideration was not inequitable. I should like to have the amendment read once more.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. CLAPP. Will the Senator from Oklahoma pardon me?

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. Certainly.

Mr. CLAPP. Undoubtedly a condition prevails down there where suits have been brought perhaps with less care to ascertain the facts than ought to have been exercised.

For one I would join in legislation which would enable a defendant to bring up an issue somewhat similar to the right ordinarily given to the plaintiff to strike out an answer on the ground that it was a sham and frivolous, but I can not see any force or effect in this amendment to direct the Attorney-General to dismiss a case when it is brought without due cause, because it is simply to commit to the Attorney-General the determination of the question whether there was due cause or sufficient ground.

Mr. OWEN. I shall be quite content to do that, Mr. President.

Mr. CLAPP. I do not think we ought to pass that kind of legislation. Will the Senator prepare such an amendment? I recognize the difficulty of getting legislation. The Senate has been very patient with the committee. It has been embarrassing to me as chairman of the committee to sit here without objecting on a point of order to so much legislation, but I recognize

the condition which surrounds us. I am willing to join with the Senate in their leniency upon the matter of allowing legislation on the bill.

If the Senator will prepare an amendment which will enable any defendant immediately to bring to the court the issue and the court then be required to pass upon the question, I would gladly join the Senator in that kind of legislation. It would be somewhat similar to the right which a plaintiff always has to attack a defense as a sham or as frivolous. But I must object to directing the Attorney-General to dismiss a suit when it is in the end left entirely in his discretion. We would simply throw out, it seems to me, beyond the real purview of legislation, a challenge to the Attorney-General, and it would accomplish nothing. If it would accomplish anything—

Mr. OWEN. With the consent of the Senate I will withdraw the amendment and offer it in the form suggested by the chairman of the committee.

The VICE-PRESIDENT. The Senator from Oklahoma withdraws his proposed amendment.

Mr. CURTIS. When will it be in order to take up the point of order made on the amendment on page 68?

Mr. CLAPP. If the Senator from Kansas will pardon a suggestion, the Senator from Georgia [Mr. BACON] has been waiting to offer an amendment. The amendment to which the Senator from Kansas refers will lead to debate.

Mr. CURTIS. Very well.

Mr. BACON. I wish to offer an amendment. The point at which it is to be placed in the bill is indicated at the margin at the top.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be read.

The SECRETARY. On page 6, line 5, after the words in brackets, it is proposed to insert:

The Secretary of the Interior is hereby authorized and directed to place on the roll of the Cherokee Nation the names of the following persons: Emily C. Howell, mother; Emily C. Howell, jr., daughter; Ellen E. Howell, daughter; Robert E. Lee Howell, son; Thomas C. Howell, son; Frank R. Howell, son; Evan C. Howell, son; James C. Howell, son; Stephen E. Howell, son; Lottie P. Howell, daughter; Eston E. Howell, son; William T. Howell, son; Julia B. Howell, daughter; Charles C. Howell, son; Mary D. Howell, daughter; all the above being the children of Catherine E. and Emily C. Howell, the first and second wives of Archibald Howell, deceased.

Mr. CLAY. I did not catch the names clearly. Is the name of R. E. L. Howell in the amendment? I did not hear that name read, and thought perhaps it was left out.

Mr. KEAN. Is there a report accompanying those names, or will the Senator from Georgia kindly tell us where he got the list of names from?

Mr. BACON. They are, as stated, the names of the children of Archibald Howell, by his two wives, each of whom was a descendant of a Cherokee Indian.

Mr. KEAN. What evidence have we that they should go on the roll?

Mr. BACON. I will state to the Senator.

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the senior Senator from Georgia yield to the junior Senator from Georgia?

Mr. BACON. I have the information here in print, if the Senator wants it. I yield to my colleague.

Mr. CLAY. I desire the attention of the Senator from New Jersey just one minute. He seemed to ask how many Howells there were. I want to tell him that I knew the father, and I helped bury him, and I know every one of those children. Some of them reside in my town and some of them in Chattanooga, Tenn.

Mr. KEAN. I believe they were Cherokee Indians. Were they not?

Mr. CLAY. Yes, sir.

Mr. KEAN. How much Cherokee?

Mr. CLAY. I do not know about that. The proof shows clearly—

Mr. BACON. I will state the fact. They made formal application to the Cherokee national council, at Tahlequah, Ind. T., October, 1887, to become citizens of the Cherokee Nation, and were all duly admitted by the then committee on citizenship as Cherokee Indians by blood, pursuant to an act of the national council of December 8, 1886, to all the rights and privileges of Cherokee citizens as enumerated under section 2, article 1, of the constitution of the Cherokee Nation.

Mr. KEAN. Now, let me ask the Senator from Georgia why were they left off the roll?

Mr. BACON. I was going on to state it for the information of the Senator.

Mr. KEAN. All right; that is what I want to know.

Mr. BACON. They were severally given certificates to that effect, signed by the officers of the commission. Some time later,

when they were ready to remove to the Territory, the Commission to the Five Civilized Tribes struck their names off the Cherokee roll because of their failure to remove to the Indian Territory within a certain specified limit of time, which failure the parties herein claim arose from circumstances beyond their control, resulting from the illness and subsequent death of their father.

I will state that the matter has been before the Committee on Indian Affairs, and has been considered carefully by a subcommittee, and while it has not been formally acted upon by the full committee, the members of it with whom I have had the opportunity to confer have approved of it.

Mr. KEAN. I am content, Mr. President.

The VICE-PRESIDENT. Answering the inquiry of the junior Senator from Georgia, who asked whether the name of Robert E. Lee Howell appears in the amendment, the Chair informs him that it does.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, is it in order to take up the point of order raised by the Senator from Kansas [Mr. CURTIS] on the amendment upon page 68?

The VICE-PRESIDENT. It is in order.

Mr. McCUMBER. I would be gratified if the Senator from Kansas would restate his point of order, and also state what particular subdivision of Rule XVI the provision is out of harmony with.

Mr. CURTIS. Mr. President, the amendment changes an existing general law, and is therefore general legislation. Second, it is a claim.

I think perhaps it would be well to make a brief statement of the facts, because this is a very important question. It has been passed upon by Congress several times.

Mr. McCUMBER. I wish the Senator to state the point, and then I expect to go over the case anyway.

Mr. CURTIS. I state that the amendment is general legislation, and also it is a claim. I do not know under what clause of the rule it comes.

The VICE-PRESIDENT. Will the Senator from Kansas state to what amendment his point of order is now addressed?

Mr. CURTIS. The amendment on page 68, beginning with line 24 and ending on line 2, page 70.

Mr. McCUMBER. Rule XVI provides that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, etc.

I suppose that is enough of the provision of the rule to make the matter clear.

Now, what I want to know of the Senator—

Mr. CURTIS. The point I make is that it changes existing law and is not an appropriation to carry out existing law. It amends the law of 1903. If the Senator will allow me—

Mr. McCUMBER. I will take up that proposition.

Mr. CURTIS. If I am going to make a statement, I do not desire to make it piecemeal, and after I have made my statement then I would be very glad to yield to the Senator.

Mr. McCUMBER. I simply asked the Senator to give me a statement of the particular clause of the rule upon which his objection is based. He has given that to me. That is eminently satisfactory, and that is all the information I am calling for from the Senator at the present time. I can go on myself and state why I think it does not come within the provisions of the rule, and I desire to do so.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I will ask the Senator to wait until I complete my statement.

The VICE-PRESIDENT. The Senator from North Dakota declines to yield.

Mr. CURTIS. Mr. President, I should like to know the parliamentary situation. I made the point of order. I was recognized by the Chair.

The VICE-PRESIDENT. That is correct.

Mr. CURTIS. Then, at the request of Senators, I yielded the floor and consented that the point of order might be passed over. After various amendments had been considered, I was again recognized by the Chair and had begun a statement. Can I be taken off the floor?

The VICE-PRESIDENT. The Chair understood the Senator from Kansas to yield to the Senator from North Dakota.

Mr. CURTIS. I yielded to him simply that he might ask me what point of order I was making.

Mr. McCUMBER. There was considerable intervening business after the Senator had been recognized, and then afterwards I was recognized upon the point of order.

Mr. CURTIS. I would just as soon make my statement afterwards, if the Senator prefers.

The VICE-PRESIDENT. Both Senators will have an opportunity to be heard. The point of order, of course, is not debatable, except by consent. The Senator from Kansas will have a chance to be heard.

Mr. McCUMBER. I asked consent that I might debate this particular point of order, and I had read the rule upon which I understood the objection was based. The exception to that rule is as follows:

Unless it be to carry out the provisions of some existing law or treaty stipulation, etc.

The only question, I suppose, here, Mr. President, is whether this is carrying out a treaty stipulation. If it is carrying out a treaty stipulation, I understand that all agree it is appropriate legislation upon a bill of this character.

Now, I want to go into the facts very briefly and demonstrate to the Senate and to the Chair that it absolutely is a treaty stipulation and that this is a provision carrying out that stipulation.

In 1866 the United States entered into an agreement to investigate and determine the losses sustained by the loyal Creeks and freedmen during the civil war and to further pay the amount found due. This was a treaty. It was called a "treaty" at that time. We have since called the agreements we have made with the Indian tribes "agreements" and not "treaties."

That was the first step; a treaty entered into between the United States and these Cherokee people, which agreed that we should ascertain the amount of their losses and agreed that we should pay their losses. That was a stipulation in what was then called a "treaty" and what we since call an "agreement."

In accordance with the treaty stipulation of 1866 there were appointed General Hazen and Captain Field as commissioners to determine the amount of the claim. That was the second step under the treaty.

The third step was that these commissioners ascertained the claims, and they awarded under the stipulations of that agreement, or, as it was then called, a "treaty," losses to the amount of \$1,836,430.41. Of this amount, \$100,000 was paid by the Government.

I now come to the next step. Nothing further was done to make payment of that agreement and that stipulation, but March 1, 1901, we entered into another and further agreement with the Creek Indians.

You call the next agreement an agreement and not a treaty, but it was exactly the same as the former and is as much a treaty as the former was. I suppose the Chair will consider all of those agreements as treaties, and that where we use the word "treaty"—a treaty to pay money—the Chair will consider that the use of the word "agreement" will not change the spirit or the letter of that particular rule.

It was agreed then that the claim arising under the treaty of 1866, which was the foundation of the Creek claims, should be submitted to the Senate of the United States as arbitrators; that the Senate of the United States should pass upon the subject, and that whatever the Senate of the United States found due the Creek Nation should be paid to them by the Congress. By whatever name you may call it, whether an agreement or a treaty, that was both a treaty and an agreement entered into between the United States and the Creek Nation.

They further determined that the Senate should make final determination thereof, and that in the event any sum was awarded provision should be immediately made for the payment. That meant that just as soon as the Senate acted upon that proposition an agreement should be made to pay it.

Now, I want to show that we did act as arbitrators upon that proposition, and that we did immediately make provision for its payment; but we paid only in part.

The next step, on account of the Senate not taking immediate action, was on June 23, 1902. Then a memorial was presented by the Creek Nation to the United States, in substance asking the Senate to take cognizance of their agreement and to proceed to make the award.

Then the next step was that the Senate referred, on motion, that petition, or memorial as it is called, to the Senate Committee on Indian Affairs for their action and report.

Following this, the Senate Committee on Indian Affairs took cognizance of the matter for the Senate of the United States, and on February 16, 1903, within the time prescribed by the treaty or agreement, and after a full hearing, the committee

reported in favor of allowing them in full for their claims the sum of \$1,200,000.

When the Senate Committee on Indian Affairs acted upon it—and I want to call the Chair's attention particularly to that—the committee called attention to the fact that it was acting upon the provision of the old treaty asking the Senate to act as a board of arbitration, and that the action of the Senate upon it would be the act of arbitrators. They reported it, however, not as a separate bill; they reported it as an amendment to the Indian appropriation bill; but though it was an amendment it was explained at every feature that it was in accordance with the award or the agreement to act as arbitrators and make an award.

Now, I want to call attention to the report of the Committee on Indian Affairs. The report sets forth the following:

In pursuance of provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians * * * approved March 1, 1904, there is hereby awarded as a final determination thereof on the so-called "loyal Creek claims" named in said section 25 the sum of \$1,200,000.

So the Chair will see that the Senate committee reported it back and asked the Senate to adopt their report as an award.

We did not even stop there. When the matter came up before the Senate, to show that the action was understood by all to be an award therefor and as binding as an obligation could be made against the Government, and to make the matter absolutely certain, in addition to this report, which perhaps few of the Senators may have read, Senator Quarles then specially called the attention of the Senate to the fact in the following words. This is what was stated by Senator Quarles at that time:

It has occurred to me, sir, that the Senate ought to be advised as to the nature of this amendment, and that it ought not to be passed, coming, as it does, solely from the committee, leaving the Senate entirely in ignorance of the fact that in regard to this amendment it is sitting as a court of arbitration and is not engaged in the ordinary method of legislation.

Now I rise to lay the facts before the Senate. This is a provision which arises out of the agreement made with the Creek Nation in 1891, whereby it is provided that the Senate shall, within two years, sit in the capacity of a court of arbitration and decide upon this claim, which arises from several treaties made by this Government with the Creek Nation.

When he declared that this claim arose out of several of these treaties, he stated what was absolutely correct:

The determination of the Senate upon this proposition will amount to an award, upon which an action will lie quite independent of the fact of this provision in the other House of Congress.

So you will see, Mr. President, that there was no possible misunderstanding on the part of the Senate that their action created under the provisions of the previous agreement as binding an obligation upon the Government as could possibly be created.

The Senate thereupon awarded the sum of \$1,200,000 by voting favorably upon the bill. The bill then went to conference. The House disagreed to the Senate amendment, and the conferees fixed the matter up in this way: They cut the amount in two, and then added a provision that the Creeks should accept the sum of \$600,000, in full payment of this award, and then should sign, in each instance where they received the money, a receipt in full of all claims against the Government of the United States. The question arises, Are they estopped from coming before Congress now and asking for the full payment of their award? Or, placing it in another position, By the act of the arbitration of the Senate, is the Government estopped from denying its legal obligation to pay the full amount that was awarded to the Creek Nation?

Mr. President, if this contract had been made between two private individuals upon an exact equality, and one should acknowledge a debt to the other and then compel him to sign a receipt in full for a half payment, without any other consideration entering into the agreement, there is not a court upon the face of the earth that would enforce it, and there is not a court but would say that this would be no bar to a suit for the balance of the amount due, because there was absolutely no consideration given excepting a less amount than was actually due for a binding obligation. If that is a rule of law that should be applied between persons having the same political and social liabilities and rights, by a far greater reason it should be applied when the relation is a fiduciary relation as between guardian and ward. The great Government of the United States is the guardian of those Indians. That Government entered into an agreement with those Indians that it would take their claim and that the Senate would act as arbitrator upon that claim. The Senate has acted as arbitrator upon that claim. The Senate, as a board of arbitration, awarded them the sum of \$1,200,000, and then, as an independent proposition, Congress came in and said: "You, the ward of the Government of the United States, shall accept \$600,000;

you can get no more, and before we will pay you, the ward, even the \$600,000 you must sign a receipt in full."

Such a transaction as that, Mr. President, would be a disgrace to the Government of the United States; it would be criminal as between a trustee and a cestui que trust, and it would be even more so, in my opinion, if a criminal statute could be enforced against the Government.

That is the condition we are met with to-day. I insist that there can be nothing more clear than that this is a payment to be made in pursuance of a treaty obligation. The only difference between a treaty directly stating that the payment shall be made and this case is that the treaty or agreement provided that the Senate should act as an arbitrator and then, after they had arbitrated, that the amount so found due should be paid.

I know it has been urged, as I have understood, before the Senate Committee on Indian Affairs that the subsequent action of the Senate, in conjunction with that of the other House, which constitute the Congress, in cutting this down to \$600,000 was in effect a change of their attitude and a change of their award in the first instance; but, Mr. President, the legal obligation ensued the moment the vote was announced upon that proposition. After that legal obligation was incurred nothing that could be done either by the Senate alone or by the other House, or by both combined, could change the legal and moral effect of the award made by the Senate. If I understand correctly, the action of the Senate being an award, and the award being made in pursuance of a treaty obligation, therefore this amendment would come clearly within that rule.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. With pleasure.

Mr. BRANDEGEE. When the Senate had ascertained the amount due, according to the terms of the treaty, was it not, in the opinion of the Senator from North Dakota, just as though in law that amount had originally been inserted in the treaty?

Mr. McCUMBER. There is no question about it at all.

I think that is all I have to say in reference to the proposition at this time.

Mr. LODGE. Mr. President, I merely desire very briefly to call the attention of the Chair to a point of order in regard to this amendment, which I do not think has been raised. This is a provision for a private claim, which can only be received to a general appropriation bill when it carries out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment. There is no treaty stipulation cited on the face of this amendment.

Mr. McCUMBER. I want to call the Senator's attention to the fact that the amendment, as it is now before the Senate, does so provide.

Mr. LODGE. Not unless it has been changed.

Mr. McCUMBER. It has been changed. I asked that that should be inserted in this provision, so that it would show upon its face, for it was the intention of the committee to have it so show.

The VICE-PRESIDENT. In the amendment, in line 2, on page 69, after the word "Indians," there have been inserted the words "pursuant to the stipulations of the agreement of March 1, 1901."

Mr. LODGE. The rule requires it to be set forth; but the stipulation in that treaty does not provide for the payment of \$600,000 or \$1,200,000—

Mr. GALLINGER. Or any other amount.

Mr. LODGE. Or any other amount. It provides for the decision of that claim by the award of the Senate. This provision is not to carry out a treaty stipulation. I make the point of order that the amendment does not come within the rule.

Mr. McCUMBER. I can not see how the Senator can say that this amendment is not to carry out a treaty stipulation, when the stipulation of the treaty is that the award shall be made by the Senate. The Senate made the award, and this is to pay that award. If that is not carrying out the stipulations of a treaty, then I can not clearly understand the English language.

Mr. LODGE. Mr. President, that the amendment comes within the inhibition of the rule is clear from the provision for the payment of the attorney. I think the Senator is right as to the treaty, but there is no stipulation in the treaty for paying any money. The stipulation in the treaty is for the Senate to make the award.

Mr. McCUMBER. I beg the Senator's pardon. The stipulation is to pay such money as should be awarded.

Mr. LODGE. Unquestionably.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I should like to finish the sentence.

Mr. TELLER. Very well.

Mr. LODGE. I was merely going to say, without looking at the law, that the first provision in article 12 of the treaty of 1832 reads:

Shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof.

In 1903 the law appears, and it says:

There is hereby awarded as a final determination thereof—

Using the precise language of the treaty. Then it goes on, as the Senator from North Dakota [Mr. McCUMBER] has cited, that it should be a full release of the Government.

Mr. McCUMBER. Let me interrupt the Senator from Massachusetts merely to say that the provision concerning the release could not appear in the award. That was in the act that was subsequently passed after the award by the Senate.

Mr. LODGE. No; but it is stated in the statute that this is "a final determination thereof" under section 26, which carried out the provision of the treaty, and with the treaty stipulations stated on its face.

Mr. President, it seems to me impossible for us to go back of the statute and say what the Senate did. What the Senate did was to assent to the statement that the \$600,000 was their "final determination thereof." That is what the Senate ultimately did; but whatever intervening steps may have been taken—

Mr. McCUMBER. Let me ask the Senator—

Mr. LODGE (continuing). The treaty stipulation was fulfilled by that act, for the treaty stipulation was merely that the Senate should make an award.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. I am through, Mr. President.

Mr. McCUMBER. I simply call the attention of the Senator from Massachusetts to the fact that the Senate's act as an arbitration board was completed when it first passed upon that subject in the form in which it passed upon it. The subsequent act of the Senate and of the House of Representatives combined, refers to the payment, and no matter what the declarations were they could not change the act that the Senate had already performed; and when the Senate had performed that act it created a legal obligation against the Government.

Mr. LODGE. Mr. President, if, under a treaty, we are bound by an award of a board of arbitration, that award is paid, and paid by the action of both Houses, unless we are willing to dishonor the Nation in not doing it, and that award is binding on both Houses, but this award, made by the Senate on its preliminary vote, was obviously not binding on both Houses, for both Houses, including the Senate, subsequently said that \$600,000 was "the final determination thereof," using the exact language of the treaty.

Mr. CLAPP. I should like to ask the Senator from Massachusetts a question.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. I do.

Mr. CLAPP. After the Senate made the award and completed its work by inserting that award in the bill, as it did, how many times and how long after that was it in the power of the Senate—I mean, acting fairly within the law that binds others than governments—to modify that award which it had once solemnly made?

Mr. LODGE. It could modify the award, it seems to me, until it put it in the form of a statute, and it had no binding force until it did.

Mr. CLAPP. It could not, Mr. President. The treaty did not provide any such thing. The treaty provided that the Senate should make an award; and when that award was once made the function of the Senate as an arbitrator ceased. It could not be continuously modifying an award which it had made any more than an arbitrator who has made an award, has closed his service, and performed his function can go back and reopen it.

Mr. LODGE. I do not think the award could have been final until it was put into a statute.

Mr. CLAPP. It could have been made final by a mere resolution of the Senate.

Mr. LODGE. Ah, but it never was put into a resolution by the Senate; it was put into a statute.

Mr. CLAPP. I beg the Senator's pardon; it was put into a bill—

Mr. LODGE. Well, a bill.

Mr. CLAPP (continuing). Reciting that it was the action of the Senate making an award, and, within a fair interpretation of the law, by which anybody but the Government would be bound, it passed beyond the power of the Senate to modify that award.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Rhode Island?

Mr. CLAPP. I do.

Mr. ALDRICH. Has the Senator from Minnesota the form of bill that was passed by the Senate in this case? I should like to see it. It seems to me it is quite important.

Mr. McCUMBER. We have the form of the award that was passed by the Senate.

Mr. ALDRICH. Well, whatever you may call it.

Mr. McCUMBER. It is not a bill; it is not a law; it is simply an award.

Mr. ALDRICH. I should like to see it. I think the Senate ought to see it.

Mr. CLAPP. This is the language—

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. CURTIS. I think, in justice to myself, I should state that the position taken by the House conferees was that there was no legal award, and that this claim had never been properly submitted to the Committee on Indian Affairs so as to give them jurisdiction. I should like to make that point clear.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Rhode Island?

Mr. CLAPP. Certainly.

Mr. ALDRICH. I should like to have the provision read, so that the Senate may know what form this so-called "award" took.

Mr. OWEN. With the permission of the Senator from Minnesota, I will read it.

The VICE-PRESIDENT. The Senator from Oklahoma.

Mr. OWEN. The original treaty under which this amount is proposed to be paid was the treaty of 1866, article 4 of which reads as follows:

Immediately after ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each—

That was the language of the treaty. The amount was ascertained immediately afterwards in the way proposed by the treaty by a commission, consisting of Gen. W. B. Hazen and Capt. F. A. Field, of the Regular Army, who were designated, under the terms of the treaty, to make this ascertainment. They found that out of \$5,800,000, or some such amount of claims, there was proven by positive, reliable proof \$1,800,000. They designated by name the individuals, allowed to each the amount by an award, and reported it. The United States paid \$100,000 to these people, which was distributed pro rata, and thereafter failed to pay.

When the Government desired the Creek Indians to allot their lands, to give up their tribal government and become a part of a new State, it was stipulated that the Senate of the United States should determine what amount should be paid them. The claim, although an award in the first case, under the treaty of 1866, had become by neglect of long years weakened in public esteem, but it was none the less an award under the treaty of 1866, and ought to have been paid, in common conscience, in pursuance of the pledge of the United States to these people to pay them the amount ascertained. The amount was ascertained, as agreed by the treaty of 1866, and it ought to have been paid to them. Then they patiently but humbly waited upon the pleasure of the United States, the sovereign power, and finally their petition, under the agreement of 1891, came to the Senate upon a memorial of Ispahcheh, their ex-principal chief, and himself a loyal Creek. That memorial, as shown by the Record, was transmitted to the Indian Committee, which, after consideration, reported back an item on the Indian appropriation bill, making in form an award of \$1,200,000 to these people. Before referring to the action of the Senate upon this item on the Indian appropriation bill I should like to call attention to the form of this item. It reads as follows:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee (or Creek) tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof—

Before the Senate passed upon that item, which was presented to the Senate, Senator Quarles of Wisconsin rose in his place and said, speaking to the Senate:

It has occurred to me, sir, that the Senate ought to be advised as to the nature of this amendment, and that it ought not to be passed,

coming, as it does, solely from the committee, leaving the Senate entirely in ignorance of the fact that in regard to this amendment it is sitting as a court of arbitration and is not engaged in the ordinary method of legislation.

Now, I rise to lay the facts before the Senate. This is a provision which arises out of the agreement made with the Creek Nation in 1891, whereby it is provided that the Senate shall, within two years, sit in the capacity of a court of arbitration and decide upon this claim, which arises from several treaties made by this Government with the Creek Nation.

The determination of the Senate upon this proposition will amount to an award, upon which an action will lie quite independent of the fact of this provision in the other House of Congress.

Mr. President, I do not think it judicious to enlarge upon the arguments already made. I call attention, however, to the fact that this payment is in pursuance of article 4 of the treaty of 1866, which is not an agreement, but comes within the dignity of a treaty under the law of the United States. Therefore the amendment is not subject to the point of order, because it is in pursuance of a treaty.

I further call attention, before taking my seat, to the fact that the Senate of the United States—not the House of Representatives—was the board of arbitration; that the Senate was not acting through a law, but was acting by expressing its will, understanding that it was sitting as a board of arbitration. It expressed that will, and put the sum of money due these people at \$1,200,000; and they are forever barred from demanding anything in excess of that.

I do not agree, and I can not be silent when such a suggestion is made, that the Senate, sitting as a court of arbitration, may at any subsequent time after the declaration of its judgment modify that judgment and change it. If that be true, then no decision of a court or of this body would have any finality. There would be no repose in a judgment, but the plaintiffs might at any time come and attack the judgment of the court, or of the Senate sitting as a court, and there would be no peace. The rule of law is that there shall be repose, and when a competent tribunal passes upon a question definitely and precisely, understanding that it is sitting as a court of arbitration, the decision is final.

Mr. LODGE. I agree with what the Senator says about the finality of the judgment. My point, however, was that a preliminary vote was not a final judgment. The final judgment is the provision of the statute.

Mr. OWEN. I ask to have printed as a part of my remarks the report submitted by me from the Committee on Indian Affairs on February 11, 1909, on the bill (S. 3423) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The report referred to is as follows:

Mr. OWEN, from the Committee on Indian Affairs, submitted the following report, to accompany S. 3423:

The Committee on Indian Affairs, to whom was referred the bill (S. 3423) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903, report the same back without amendment and recommend its passage.

By the treaty of 1866 the United States agreed to investigate and determine the losses sustained by the loyal Creek Indians and freedmen during the civil war and to pay the amount or amounts found due.

Article 4 of said treaty provides as follows:

"Immediately after ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal Army, loyal refugee Indians and freedmen, be made by him. The superintendent of Indian affairs for the southern superintendency and the agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor." (14 Stat., 787.)

In accordance with this treaty agreement, Gen. W. B. Hazen and Capt. F. A. Field, of the Regular Army, the latter having been detailed as union agent for the Five Civilized Tribes, were designated as commissioners to ascertain and determine the amount of such losses. This report was made with exhaustive care and will be found in detail in Exhibit 1 hereto. (S. Doc. No. 420, 57th Cong., 1st sess., p. 18.)

These awards amounted to \$1,836,430.41. Prior to this award the Government made advance payment of \$100,000 (16 Stats., 341), but no further payments were made, and on March 1, 1901, the United States entered into the following agreement with the Creek Indians.

Section 26 of that agreement reads as follows:

"All claims of whatsoever nature, including the 'loyal Creek claim,' under article 4 of the treaty of 1866, and the 'self-emigration claim,' under article 12 of the treaty of 1832, which the tribe or any individual thereof may have against the United States, or any other claim arising under the treaty of 1866, or any claim which the United States may have against said tribe, shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of same.

"Of these claims, the 'loyal Creek claim,' for what they suffered because of their loyalty to the United States Government during the civil war, long delayed, is so urgent in its character that the parties to this

agreement express the hope that it may receive consideration and be determined at the earliest practicable moment." (31 Stat., 869.)

Thus, as will be observed, the Senate was authorized to investigate and pass upon said claims, "or, in other words, to act as a board of arbitration."

The Senate of the United States on June 23, 1902 (Exhibit 1, S. Doc. No. 420, 57th Cong., 1st sess.), referred to the Committee on Indian Affairs the memorial of Ispahcheher, ex-chief Muskogee (Creek) Nation, for himself as loyal Creek claimant, and as attorney in fact for others.

Testimony was taken, arguments heard (Exhibit 1), and on February 16, 1903, the Indian Committee made the following report:

"In compliance with the requirements of section 26 of an act entitled 'An act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes,' approved March 1, 1901 (31 Stat. L., 869), and in conformity with the prayer of the memorial of Ispahcheher, referred to this committee by the Senate, the Committee on Indian Affairs herewith submits the following report and recommendation:

Then follows the statement of the case, and attention is called to the fact that the agreement of 1901 provides: "That within two years from the ratification of said agreement the Senate shall make full determination of said claims."

In 1902 Ispahcheher, ex-chief of the Creek Nation, on behalf of himself and other loyal Creek claimants, had submitted his memorial to the Senate, asking that it should proceed as soon as practicable, as provided by said act, to examine said claims and to award the amount alleged to be due. Said memorial was referred to the subcommittee. The committee recommended to the Senate the payment of \$1,200,000 by its report of February 16, 1903, aforesaid, to be passed on by the Senate in an award. (S. Doc. 3088, 57th Cong., 2d sess.)

The committee submitted to the Senate an amendment to the Indian appropriation bill, in connection with this report, on page 33, after line 22, as follows:

"In pursuance to the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee (or Creek) tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called 'loyal Creek claims' named in said section 25, the sum of \$1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available, etc., and providing in the proposed item for attorney's fees."

This item will be found on page 2252 of the CONGRESSIONAL RECORD, February 16, 1903. It was quite thoroughly discussed on the floor of the Senate, and it was pointed out by a member of the Indian Committee (Mr. Quarles) that the action of the Senate would be an award of the United States in the following language:

Speaking to the Senate, Mr. Quarles said:

"It has occurred to me, sir, that the Senate ought to be advised as to the nature of this amendment, and that it ought not to be passed, coming as it does solely from the committee, leaving the Senate entirely in ignorance of the fact that in regard to this amendment, it is sitting as a court of arbitration, and is not engaged in the ordinary method of legislation."

"Now I rise to lay the facts before the Senate. This is a provision which arises out of the agreement made with the Creek Nation in 1891, whereby it is provided that the Senate shall, within two years, sit in the capacity of a court of arbitration, and decide upon this claim, which arises from several treaties made by this Government with the Creek Nation."

"The determination of the Senate upon this proposition will amount to an award, upon which an action will lie quite independent of the fact of this provision in the other House of Congress." (p. 2253.)

The Senate thereupon agreed to the item without objection (p. 2254).

Thereafter, when the matter went into conference it was cut down to \$600,000, and it was provided that the claimants should execute an acquittance to the Government in full for their claims upon receipt of the \$600,000, which, after deducting the attorneys' fees, was distributed among them.

The loyal Creeks' claim was again considered by the Committee on Indian Affairs, and in its report of January 30, 1907 (S. Rept. 5689, 59th Cong., 2d sess.), made the following report:

LOYAL CREEK CLAIMS.

"In 1901 Congress enacted into the statute an agreement made by the Dawes Commission with the loyal Creek Indians whereby their claim was to be 'submitted to the Senate of the United States for determination,' the Senate acting as a court of arbitration. The act provided that whatever sum was awarded 'provision shall be made for immediate payment of the same.' (31 Stat. L., 869, sec. 26.)

"In pursuance of the act the claim of the loyal Creeks was duly submitted to the Senate and sent to the Committee on Indian Affairs for investigation. The committee examined treaties and records, heard testimony from the claimants, both oral and by depositions, heard counsel, who submitted briefs, and finally reported its findings to the Senate as an item on the Indian appropriation bill, which read as follows:

"In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called 'loyal Creek claims,' named in said section 26, the sum of \$1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of \$1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen, as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said lists, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however,* That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal

and other services rendered by him, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians." (Cong. Rec., vol. 36, pt. 3, 57th Cong., 2d sess., p. 252.)

A discussion followed in which the attention of the Senate was specifically called to the fact that by the adoption of that item the Senate announced its award under the law. In the language of Senator Quarles, who was a member of the Committee on Indian Affairs and was opposed to the award:

"The determination of the Senate upon this proposition will amount to an award upon which an action will lie, quite independently of the fate of this provision in the other House of Congress."

In a word, the Senate was fully apprised of the whole matter, and then passed the item without any dissenting votes. (See pages 2252, 2253, and 2254 of the Record above cited.)

The House disagreed generally to the amendment made by the Senate to the Indian bill, and the measure went to conference. When the conferees made their final report the item carrying the award had been modified by reducing the amount found by the Senate from \$1,200,000 to \$600,000, and provided that the Indians should accept the same as full satisfaction of all claim and demand growing out of said loyal Creek claims, and that the payment should be a full release of the Government. (32 Stat. L., 995.)

The money thus appropriated, being only one-half of the amount awarded, was accordingly paid to the Indians. But in spite of the fact that they accepted, under compulsion, that amount under the terms of the act rather than lose all payment for their losses, yet they feel that the amount awarded them under the conditions of a solemn agreement between themselves and the Government has been only one-half paid, and they are now entitled to the balance. They respectfully submit the following reasons for their present claim:

I. The losses they sustained were the direct result of their loyalty to the Government. For this loyalty they were not only driven from their homes, but many of them—men, women, and children—in their flight from the Indian Territory to Kansas during the winter of 1861–62 lost their lives by attacks made upon them by other Indians and by organized whites, and all of them suffered untold hardships. More than 1,500 of the men entered the Union Army. The Commissioner of Indian Affairs, in his report for the year 1865, says:

"The Creeks were nearly divided in sentiment at the opening of the war, about 6,500 having gone with the rebellion, while the remainder, under the lead of the brave old chief, Opothleyoholo, resisted all temptations of the rebel agents and of leading men, like John Ross, among the Indians, and fought their way out of the country northward, in the winter, tracked by their bloody feet upon the frozen ground. They lost everything—house, homes, stock, everything they possessed. Many joined the United States Army." (Commissioner's Report, 1865, p. 39.)

II. The Government promised them that they should be reimbursed for their losses. During the negotiations with the Five Civilized Tribes, preceding the reconstruction treaty of 1865, the commissioners, on the part of the United States, assured the Indians, loyal and disloyal, that "those who have been loyal, although their nation may have gone over to the enemy, will be liberally provided for and dealt with." Again the Indians were assured that above all other considerations it was the determination of the Government "to recognize in a signal manner the loyalty of those who had fought upon the side of the Government and endured great sufferings on its behalf." (Commissioner's report, 1865, pp. 34 and 299.)

And article 4 of the treaty of 1866 (14 Stat. L., 787) undertook to ascertain their losses and see that the same were paid. This ascertainment was subsequently made by two officers of the army—Gen. W. B. Hazen and Capt. F. A. Field. The Indians filed claims with this commission amounting, in the aggregate, to \$5,090,808.50. The two commissioners, in keeping with their military training, insisted on having every item proven by witnesses presented before them. The impoverished Indians scattered over a territory twice as large as the State of Massachusetts, without property—not even a pony left them—and with many of their witnesses dead or left back in Kansas, could only comply in part. But they did prove the loss, before this exact and exacting court, of property found to be worth \$1,836,830.41. This amount was awarded by General Hazen and Captain Field and approved by the Commissioner of Indian Affairs, and a qualified approval affixed by the Secretary of the Interior.

III. The accuracy of the findings of Hazen and Field was never challenged by the Government. Using them as a basis, the sum of \$100,000 was paid to the claimants. The Indians refused to take any portion of this latter amount until assured by General Williamson, the government agent authorized to make the payments, that the balance would be paid. Thus, when the matter came before the Senate as arbitrator, the Indians claimed the full amount of their losses as found (\$1,836,830.41), less the \$100,000 which had been paid, making \$1,736,830.41. They also claimed interest for the thirty-six years that the claims had remained unpaid. This based on the fact that the Government usually paid interest on Indian funds.

The Indian Committee representing the Senate in making the investigation determined, upon some theory unknown to the claimant, to reduce the amount to \$1,200,000. The loyal Indians of the Choctaws and Chickasaws had been paid the full amount of their losses as found, and their claims had not been cut by the commissioners who passed upon them.

The claims of the loyal Seminoles were submitted to the arbitration of the Senate by the same act that provided for the submission of the loyal Creek claims. The Senate reduced by 45 per cent the amount which the commissioners had allowed for losses, and then added interest at the rate of 5 per cent for some thirty-three years. The reduction of the principal was based on the fact that the Indians had been allowed all they claimed. But the reduced principal and the interest brought the award to \$186,000, while the original allowance was \$213,888.95.

The Choctaws and Chickasaws were thus paid the full amount of losses as they claimed them, and paid promptly after the date of the reconstruction treaty; and the Seminoles were generously dealt with by the Senate, a large amount of interest having been added to their claim. Yet when the Senate came to deal with the loyal Creek claims, which had been already cut by Commissioners Hazen and Field about 62 per cent, it further reduced the principal something more than 33 per cent (from \$1,836,830.41 to \$1,200,000), and refused to allow

any interest. The claimants would have been glad to have accepted this award and been allowed, after the thirty-six years of waiting, to go in peace.

IV. A fourth reason why the balance of the award should now be paid is the fact that the Indians submitted the whole matter to the Senate, trusting with the simplicity of children in its honor and justice. They were heard, the award was announced, and they returned to their homes with the feeling of perfect security that at least that much was safe and the \$1,200,000 would be paid them and the long controversy ended.

They had no knowledge of what was transpiring in the conference room. They were neither notified nor heard, yet provision was made for paying only one-half of their judgment, and conditioned that they should receive this as payment in full. The award between private parties would have been final and binding. (*Wright v. Tebbitts*, 1 Otto, 252.)

V. Congress in its legislative capacity could not legally alter the award. The Senate, in pursuance of an agreement and a law, was the sole arbitrator. It formally announced its award. It never again opened the case. It never again sat as an arbitration board. Its sole connection with the matter thereafter was as a branch of Congress in its political capacity. Its function as a court was terminated. The question of finding what was due these loyal Creeks, who, in the language of the act providing for the arbitration, "had suffered because of their loyalty to the United States Government during the civil war," was fully closed.

VI. To coerce the Indians to sign receipts in full for a part of their award, and refuse to pay the balance, would, if done by an individual, be immoral. These untutored wards of the Nation, who have been trained for generations to depend upon agents and other officers of the Government in all business transactions, and to do whatever they are told to do are presented with a sum of money and a receipt and told to sign the latter in order to secure the payment. Will such a receipt be held as a bar against the individual Indian? Is there not such a sense of injustice growing from the facts of this case as will compel the payment of the whole award? The Indians depend more upon such considerations than upon legal rights, which might be asserted as to the frailty of receipts in general as evidence of payment, and especially as to receipts procured by coercion or duress.

VII. There must be no misunderstanding as to who these claimants are. They are simply and solely individual Indians. Their names, the property lost, and the amount due each for his particular loss, are all set out in the findings of Commissioners Hazen and Field. The Creek tribe has no jurisdiction over the matter. On these claims the United States owed nothing to the tribe, and the latter never had any legal relation to them. The relinquishment of the tribe in its capacity as an organization can not have and should not have any effect on the pending claim.

Your committee recommends that the bill S. 3423 do pass, or that an item be placed upon the Indian appropriation bill to provide for the payment of the balance of this award.

Mr. CLAPP. Mr. President, there was no agreement upon the part of these Indians that they would submit their claim to the joint action of the Senate and the House of Representatives. Their agreement was that they would submit it to arbitration at the hands of the Senate. While Congress has the power to ignore that, still the Senate ought not to repudiate its obligation.

Mr. TELLER. Mr. President, this is not a new question; it has been before the Senate and the country at various times. Of course, it is a long time since this obligation arose; but it was not the fault of the people who are interested in it that it was not long ago settled.

The Creek Nation was divided into two parts. Some were loyal and some were disloyal. After the war they made a claim, which was settled, as the Senator from North Dakota [Mr. McCUMBER] has said, by the treaty of 1866. I do not care whether you call it a treaty or whether you call it an agreement, the fact is that the Government entered into a solemn obligation to dispose of this meritorious claim, a claim that ought to appeal to every man in the Senate.

These people lost their property and rendered to this Government a signal service. They rendered that service under most trying conditions. We talk about the patriotism of those who went into the Union Army. These men went into the Union Army in a community that was very nearly equally divided between the two opposing forces. They were loyal to the Government. They suffered intensely in person, in property, and in feeling. In 1866 we determined that they should be compensated for what they had lost, and we fixed the tribunal to determine what they had lost. This has been a most scandalous proceeding. There has been, perhaps, more criticism of it than of any other action of the Government during the last fifty years.

Proceeding according to our own stipulation, the claim was submitted to the body that we selected. We found—whether the finding can or can not be technically called an award—that this amount was due to those people, and we said in the treaty when we found it was due we should pay it. Was it necessary to provide that we would pay the award after it was made? It became a solemn award, as Senator Quarles said, upon which an action would lie if it had been between two individuals.

We have the power, we have the strength to say we will pay the award or we will not pay it. As the chairman of the committee has said, the Indians did not agree to leave it to the Congress of the United States. They agreed to leave it to the Senate. The Senate determined it. If it was possible to make

an award by this body, we made an award; we called it an award, and by all the rules of common law and justice it was an award. In the first place, we said that it was an award. This body said:

This is a just debt which the Government ought to pay and that it is under obligations to pay.

When the House of Representatives would not agree to appropriate the amount the Senate had fixed, the Senate consented—and it ought never to have done so—that that amount should be cut down by one-half. Did anybody give any reason why it should be cut down? Not at all. It was cut down simply because the House said they would not agree to the amount determined upon by the Senate.

The VICE-PRESIDENT. May the Chair, for his information, ask the Senator from Colorado a question? Was the award reduced from \$1,200,000 to \$600,000 by the action of Congress?

Mr. TELLER. Mr. President, the committee of conference, in order to get an agreement, decided that instead of appropriating \$1,200,000 we should appropriate \$600,000.

Mr. LODGE. That was the action of both Houses.

Mr. TELLER. It was the action of both Houses. We agreed to it, and it became a law. I do not mean to say that we could not by law set aside that award. I know, Mr. President, if it had been an award in favor of Great Britain we would not have dared to have set it aside. I know if such action had been taken by individuals it would have been regarded as criminal.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. I yield.

Mr. BRANDEGEE. If the award had been set aside, it would have been a breach of the treaty, would it not?

Mr. TELLER. Certainly; it would have been a breach of the treaty and a breach of common decency, I may say. Through a technicality you may get rid of it; you may say that we have provided for the payment of \$600,000; but, Mr. President, justice will not be done if we repudiate the treaty.

I do not believe the point of order ought to be raised against the amendment; but, if it is, it will not be creditable to the Senate to declare that we may escape the payment of a just debt by a technicality.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Rhode Island?

Mr. TELLER. Certainly.

Mr. ALDRICH. The Senator I think will see the distinction between the question whether the claim is meritorious, equitable, and just, and the question whether it is proper upon an appropriation bill. It is a question of the interpretation of the rule and not with respect to the merits of the claim.

Mr. TELLER. Very well. Some people at least have been trying for several years to have this injustice righted. There has been complaint from those people. I was down in that country a few years ago, and the presiding officer of that nation spoke to me about the injustice of it. I do not believe any man who has ever looked at it will not say it is unjust, and I do say it would be rather remarkable if we should hold these people strictly to the rule.

As the Senator from North Dakota says, these were our wards. If these people had standing in court as an individual would have under these circumstances, there is not a court on the continent having jurisdiction which would not right that wrong—not one. A guardian can not hold a pistol at the head of his ward—

Mr. McCUMBER. Will the Senator yield to me for a moment, as I wish to make a suggestion in answer to the question that was put by the Chair himself as to what effect the subsequent action of Congress would have.

Mr. TELLER. Very well.

Mr. McCUMBER. The point we are making here is that the Senate, no matter in what form its action took effect, was a court of arbitration; and when it acted as a court of arbitration, any subsequent act as lawgivers would not change its previous award.

To make it clear, I want to put it in this light: Suppose the arbitrators agreed upon had been the Secretary of War, the Secretary of the Interior, and the Attorney-General, instead of the Senate of the United States, and they had made an arbitration and had decided that the payment should be \$1,200,000; and then the Senate should pass a bill for \$1,200,000, the House should cut it down to \$600,000, and the Senate agree to that, with any stipulation it saw fit. Would that in the slightest degree affect or set aside the previous award made by these parties? And if it would not set aside an award made by par-

ties entirely outside of the Senate, neither could it set aside an award that was made in the Senate. They could refuse to pay, but they could not change a fact that was once established and came into existence any more than they could say that the 25th day of last December was not a certain holiday.

Mr. TELLER. No, Mr. President; the award will ever stand. We may refuse to pay it, but, as I have said, it will not be to our credit if we do. There is no more just debt that the Government ever owed than this.

There are two phases of it. We deliberately provided the tribunal to determine it. That tribunal determined it. It was our duty as the guardian of the ward to have paid it. We refused; and we stipulated with them that "You shall not have any of this money unless you receipt for the whole." As the Senator said, that could not have been done between individuals if the debt was just.

Mr. President, this is a good deal of money; it is quite a large sum. We are not paying any interest on it. I suppose the real beneficiaries, those who were entitled to it years ago, are dead. That has been the trouble with many of our transactions. We wait until it is too late for the people who ought to be benefited by our acts of justice to take part in or to have any advantage from them. But the obligation rests upon us the same, and the heirs of these dead men are entitled to it as much as their parents were.

I believe it would be to the credit of the Government of the United States to pay this debt. I believe it would save it from criticism in the future such as it has incurred in the past, in a transaction not of magnitude enough to justify dishonor on our part, if any such thing could be conceived of. I believe it ought to be paid. I think the point which the Senator from North Dakota has made with respect to the point of order is well taken, and I do not think the point of order is well taken. The amendment is not out of order, in my judgment.

Mr. CURTIS. Mr. President, in the first place, in my judgment, if the finding of the Committee on Indian Affairs giving to the loyal Creeks \$1,200,000 was a legal award, then the point of order is not well taken. But, in my judgment, there was no legal award, and before taking up that question I desire to make a very brief statement in reference to the claim.

The Senator from North Dakota [Mr. McCUMBER] and the Senator from Oklahoma [Mr. OWEN] say the original proposition is based upon articles 3 and 4 of the treaty of 1866, which is true. Those articles were never passed upon by the Supreme Court, but they were passed upon by the Court of Claims, and that court, in passing upon the question, says:

The court decided as a conclusion of law that "all claims which the petitioners had against the United States for damages and losses growing out of the late rebellion were adjusted, settled, and released by the treaty of 1866 (14 Stat. L., 785), and the payment thereunder of \$100,000, as provided in article 3, and that the claimants, having received that sum, are not entitled to be paid any further amount."

That was the finding of the only court that ever passed upon the articles of the treaty of 1866.

In 1901, when the agreement was made with the Creek Indians, a provision was placed in the agreement that the loyal Creeks' claims should be referred to the Senate of the United States as a board of arbitration. There was but one way for the Senate Committee on Indian Affairs to get jurisdiction of the claim, and that was for the Senate to refer it to the Committee on Indian Affairs and give that committee authority to act for this body. That was never done. A memorial was presented to the Senate which, in the regular course of business and under the rules of the Senate, would of necessity go to the Committee on Indian Affairs. It was not a reference of the claim to that committee for settlement. The Senate never authorized that committee to act in its stead. It took jurisdiction without any direction upon the part of the Senate.

Now, when it took jurisdiction of the claim it selected a bill that could not originate in this body, and it placed its finding upon that measure. When it selected that measure to put the item upon it was bound by the action of the House and the Senate on that measure, because it placed it upon a bill that could not become a law until it had been agreed upon by both the Senate and House and was approved by the President of the United States.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. CURTIS. Certainly.

Mr. CLAPP. I should like to ask the Senator from Kansas what materiality there is, when we are considering the rights of one party to an arbitration, as to how far the other party must go, in being bound, acting jointly with some other party?

Mr. CURTIS. The position I take now is the same as the one taken by me when the case was before the conferees, that had the claim been referred to the Senate committee with au-

thority to act, there would have been a hearing, both sides would have been represented, and, as was contended in the conference, if both sides had been heard—and that was the judgment of the House conferees—no allowance would have been made; that the committee would have followed the decision of the Court of Claims.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. The Senator from Kansas says that this matter was not referred to the Committee on Indian Affairs, but that the Committee on Indian Affairs took the papers, considered the matter, and reported their finding to the Senate, which the Senate confirmed. Was not the action of the Senate in doing that a ratification of what the Senate committee had done, and is not the ratification equivalent to an original authorization?

Mr. CURTIS. It is not so in this case, because it was placed in an appropriation bill that was subject to amendment on the floor of the Senate, was subject to amendment in the House of Representatives, and if the House bill was amended in the Senate, it was subject to change in conference; and therefore they were bound by whatever changes were made, and the award did not become final until the bill was finally acted upon and was signed by the President of the United States.

Mr. President, in that bill in conference the conferees agreed to it amended as follows: To reduce the amount to \$600,000, and they put in this proviso:

That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims.

Amended in that way the Indian appropriation bill, including this item, became a law.

Mr. CLAPP. Will the Senator pardon me for a question?

Mr. CURTIS. Certainly.

Mr. CLAPP. I understand the Senator to say that if the action of the committee amounted to an award, the point of order would not lie. Am I correct?

Mr. CURTIS. In my judgment, if the finding of the committee as reported was a legal award, the point of order would not lie, but, in my judgment, it is not a legal award, because both sides were not given a chance to be heard, and the committee had no jurisdiction over the item, and the only award made was the provision for the payment of \$600,000 in full.

Mr. ALDRICH. Of the Senate?

Mr. CURTIS. I mean of the Senate.

Mr. CLAPP. But if it was an award, the point of order would not lie?

Mr. CURTIS. I mean of the Senate.

Mr. CLAPP. Yes; I supposed so.

Mr. CURTIS. In carrying out the provisions of the appropriation act the Secretary of the Interior made the payments, and a receipt was taken, which is as follows:

We acknowledge to have received from J. Blair Shoenfelt — and the same is hereby accepted as a full and complete settlement of our claim against the United States for property taken or destroyed during the civil war, as provided by the act of Congress approved March 31, 1903, and the act of the Creek council, May 3, 1903.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. CURTIS. Certainly.

Mr. CLAPP. I should like to ask the Senator another question. If the action of the Senate amounted to an award, would the Senator contend as a legal proposition that these loyal Creeks would be bound by the subsequent proceedings unless there was a new and additional consideration for the acceptance of this in lieu of the award?

Mr. CURTIS. The position I take is that it was not a legal award, and that it did not become an award until it was finally acted upon.

Mr. CLAPP. But if the Senator will pardon me, I should like to get his view as to that situation.

Mr. CURTIS. I will say very frankly to the Senator that if it was a legal award, then I do not believe the point of order is well taken.

Mr. CLAPP. No; I am not talking about that now. I am asking the Senator to give me his view upon this question: If that was a legal award, would the subsequent proceedings, unless they involved a new and additional consideration, be binding in the acceptance of the \$600,000 in lieu of the award?

Mr. CURTIS. I think if the claimant accepted the money in full payment, and it was acted upon by the tribe, as it was, they would be bound by their receipt in full.

Mr. CLAPP. Without any additional consideration?

Mr. CURTIS. Yes, sir; I do.

Mr. HEYBURN. I should like to ask the Senator a question.

Mr. CURTIS. Certainly.

Mr. HEYBURN. The Senator has just used the term "if it was acted upon by the tribe." Was there any tribal existence in 1903?

Mr. CURTIS. There was; and I want to read what the tribe did.

Mr. HEYBURN. Had they not taken their lands in severalty prior to that time?

Mr. CURTIS. The land had not been fully allotted.

Mr. HEYBURN. The allotments had not been fully approved?

Mr. CURTIS. No, sir. It appears that the national council of the Muskogee (Creek) Nation, approved by the principal chief on May 23, 1903, accepted the \$600,000, appropriated by said act of Congress, in full payment and satisfaction of all claims and demands growing out of the "loyal Creek claims," said payment to be a "final release of the Government from all such claim or claims." Said resolution was approved by the President on June 6, 1903.

Mr. HEYBURN. If the tribal relation existed, it would be valid; otherwise not.

Mr. OWEN. I wish to call the attention of the Senator from Kansas to the important fact that this award was due to private individuals, and not to the members of the Creek tribe; that the Creek tribe as such had no function in regard to this award to private persons; and answering the Senator from Idaho further in the purpose of his question a few moments ago, I call his attention to the fact that these persons had been made citizens of the United States March 3, 1901.

Mr. HEYBURN. I so understood.

Mr. LODGE. I understood the Senator to say that these are not tribal, but private and individual claims.

Mr. OWEN. It is an award in bulk to the individuals on the list made by General Hazen under the fourth article of the treaty of 1866.

Mr. McCUMBER. If the Senator will permit me for a moment, it was to be paid to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866; the said sum of \$1,200,000 to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field as commissioners on behalf of the United States.

Mr. ALDRICH. Who made this agreement originally? Was it the Creek Nation or these individuals?

Mr. CURTIS. The council or the representatives of the tribe, and it was agreed to by the members of the tribe.

Mr. McCUMBER. It does not make any difference. It was made for the benefit of the Indians.

Mr. ALDRICH. Was there any authority given by these individuals to anybody to make this agreement? Was it a treaty or simply an agreement?

Mr. DIXON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. CURTIS. Certainly.

Mr. DIXON. The Senator from Kansas knows that I was very much in doubt in committee about the same point, and there was not a great deal of testimony adduced there which really gave much light on the subject. I should now like to ask the Senator from Kansas, what, approximately, was the number of loyal Creek Indians during the war?

Mr. CURTIS. I think the commission found there were 1,523; that is, Indians and freedmen.

Mr. DIXON. Adult male persons?

Mr. CURTIS. Indians and freedmen.

Mr. DIXON. Did that include women and children?

Mr. CURTIS. I should judge not, unless they were property owners.

Mr. DIXON. They have already been paid \$700,000 by the Government, have they not?

Mr. CURTIS. Yes; \$700,000.

Mr. DIXON. What did those Indians at that time own which could have been destroyed amounting to \$1,200,000 in personal property?

Mr. CURTIS. Horses, cattle, hogs, sheep, forage, and property of various kinds. They presented claims to the amount of \$5,000,000, and the two officers appointed to look into the claim found that property had been destroyed to the amount of \$1,836,000—

Mr. DIXON. What kind of property was it that was destroyed?

Mr. CURTIS. As I say, horses, cattle, hogs, sheep, and other property taken and destroyed.

Mr. DIXON. That would be a thousand dollars to an Indian.

Mr. CURTIS. And their houses were destroyed and forage was taken, and everything of that kind. All the property they had was destroyed.

Mr. OWEN. To the family, not to the individual.

Mr. DIXON. To an Indian. There were only 1,500 Indians on the list, and an award of \$1,200,000 (and \$100,000 had already been paid) would amount to nearly a thousand dollars to each Indian. Unless they are different from any Indians I have ever known—

Mr. OWEN. The Senator has never known as good Indians as these.

Mr. DIXON (continuing). It would require a wild stretch of the imagination to think that there was a thousand dollars' worth of cayuses to each individual Indian on the reservation.

Mr. OWEN. I should like to suggest to the Senator from Montana that these people were civilized people for a long period of time. Back four or five generations they were civilized, and they had very extensive property. They went out into this western country in 1832.

Mr. DIXON. These were the Georgia Creeks?

Mr. OWEN. The Georgia Creeks, of the Mobile basin. They went out there, and it takes no stretch of the imagination to see how a very small number of cattle would increase in so long a period of time—thirty-odd years. Those people were quite well off. They put in claims for over \$5,000,000 worth of property, and they offered evidence so far as they could. But they were scattered all over the country.

What I rose to point out was that while there were only a certain number of these individuals, they obviously must have been heads of families, because the children were not the owners of property, and the head of a family would naturally for himself and as the head of the family make the claim.

Mr. DIXON. How many disloyal Creeks were there at that time?

Mr. OWEN. I do not know what was the number of disloyal Creeks. There were some disloyal Creeks. But this does not turn on the matter of disloyalty or loyalty. It turns on the question of the pledge of the Government to ascertain this money and to pay it; and the fourth article of the treaty of 1866 said that the Government would pay it when ascertained in a fixed manner, and therefore it becomes an obligation of the United States not to be treated lightly nor to be set aside on the theory that these people could not have had what the chosen agents of the United States determined, upon proof, they did have.

Mr. DIXON. Was the treaty of 1866 ratified by the Senate?

Mr. OWEN. It was ratified by the Senate of the United States.

Mr. DIXON. In what year?

Mr. OWEN. In 1866.

Mr. LODGE. The Senator from Montana asked the number of disloyal Creeks. I see it stated in the report which the Senator from Oklahoma was kind enough to hand me:

The Creeks were nearly divided in sentiment at the opening of the war, about 6,500 having gone with the rebellion, while the remainder, under the lead of the brave old chief, Opothleyoholo, resisted all temptations of the rebel agents and of leading men, like John Ross, among the Indians, and fought their way out of the country.

Mr. CURTIS. Mr. President, I do not desire to take up any further time, except to make this statement: I believe this item is subject to the point of order, because it is general legislation. It provides the manner of paying this claim, and it of necessity amends the general appropriation act of 1903. I submit, further, if this had been a legal award the committee would have reported the award to the Senate, the Senate would have approved of the award and said that it approved the award of the committee, amounting to \$1,200,000, in settlement of this claim; and if the Senate had acted in that way you would have had a legal award; but the item was added to an appropriation bill, and as it finally became a law the item was for \$600,000 in full payment, and this is binding upon the Senate.

Mr. HEYBURN. I beg to ask the Senator from Kansas a question.

Mr. CURTIS. Certainly.

Mr. HEYBURN. Was any attempt made to divide this award, appropriating it to the families or individuals?

Mr. CURTIS. No.

Mr. HEYBURN. To whom did the benefit run?

Mr. CURTIS. The benefit ran to all of the loyal Creeks whose names appeared in the list that had been filed with the Commissioner of Indian Affairs or the Secretary of the Interior—I would not be sure which—one or the other; not to the tribe, but to the individual members whose names appeared in that list.

Mr. HEYBURN. And the tribal organization to be the trustee for the purpose of apportioning it?

Mr. CURTIS. Paying it.

Mr. HEYBURN. The tribal organization had ceased to exist then, had it not?

Mr. CURTIS. No.

Mr. HEYBURN. Why not?

Mr. CURTIS. No; the tribal authority had not ceased.

Mr. HEYBURN. If they became citizens of the United States in 1901, would not that terminate the tribal existence?

Mr. CURTIS. By act of Congress the tribal existence was continued, and there is a tribe there to-day.

Mr. HEYBURN. Does not the Senator think that the act of Congress is open to question, in view of the decision of the United States Supreme Court in the Nez Percé case?

Mr. CURTIS. In view of the decision of the Supreme Court in the Cherokee case, I do not, because there they held that the Government and Congress had jurisdiction over the property notwithstanding the act declaring the Indians to be citizens of the United States.

Mr. HEYBURN. Over the property, but how about the citizens?

Mr. OWEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. CURTIS. Certainly, but further—

Mr. HEYBURN. I will yield, too. I join in yielding.

Mr. OWEN. I wish to point out the fact that the "Cherokee case," so called, which related to the right of the United States, through the Secretary of the Interior, to lease Cherokee lands for oil, was under the act of 1898, prior to the grant of citizenship, and therefore the conclusion of the Senator from Kansas, I think, is not very well taken.

Mr. CURTIS. Ah, but the decision came up after the act and after the Indians had been made citizens of the United States by the act of Congress, and after individuals had been given the right to make oil and gas leases, and after the treaty or agreement had provided that the certificate of allotment should be the evidence of their title. The decision was made after that; and notwithstanding the provisions of the treaty and the act of 1898, the Supreme Court held that Congress still had jurisdiction over the property.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield further to the Senator from Idaho?

Mr. CURTIS. Certainly.

Mr. HEYBURN. A later decision than the one referred to by the Senator from Oklahoma deals directly with the question of the quality of citizenship. The Supreme Court of the United States has said that there can be but one quality of American citizenship; that no citizen can have any rights that another citizen has not. It applied that in the Nez Percé case, and they hold there that these limitations or attempts to limit or qualify citizenship are futile; that they accomplish nothing.

I merely wanted to call attention to it because it seems to me that while the original act doubtless anticipated some one capable of taking at the time, yet there has been a failure of parties by reason of the citizenship which had been conferred upon these Indians.

Mr. CURTIS. Well, Mr. President, at any rate the general council of the Creek Nation acted upon it, and the money was paid to the individual members, and they receipted in full.

I have nothing further to submit upon the point of order.

Mr. McCUMBER. The Senator from Kansas has just stated that if the Senate Committee on Indian Affairs had reported this as an award, and the Senate itself had acted upon it as an award, it would be binding as an award.

Mr. CURTIS. May I correct the statement of the Senator? Providing the Committee on Indian Affairs had jurisdiction of it and had gotten possession of the papers in a proper way, which I deny.

Mr. McCUMBER. In either event the whole question turns upon the point whether the Senate acted as a court of arbitration and whether it understood that it was acting as a court of arbitration in fixing an award or whether it was acting in conjunction with the other House in making a law for an appropriation. I know of nothing that will be more important in determining that matter than the law itself. I will not call it a law, but the award itself, the word that was used by the Senate in its action. Here are the words. This is what the Senate of the United States said:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes, approved March 1, 1901—

Showing that it was considering that treaty and not the mere making of an appropriation—
there is hereby awarded—

Not that "we hereby appropriate" a certain sum of money, but "there is hereby awarded"—

as a final determination thereof, on the so-called "Loyal Creek claims," named in said section 26, the sum of \$1,200,000, and the same is hereby appropriated.

Now, there are two provisions. There is a provision awarding, and there is a provision appropriating. They are clearly separable. The provision awarding is the provision that we say fixes the right of the Creek Indians, and I can not understand how anyone can claim under any provision that it is not an award.

As has been suggested time and again, the agreement was not that the Creek Indians should submit to the Congress of the United States the determination of the question, but that they should submit it to the Senate of the United States. They submitted it, and the Senate declared that it awarded \$1,200,000, and then they said they appropriated that sum.

The House then changed the sum of the appropriation, and all that it could do would be to change the sum appropriated, \$1,200,000. The House had no jurisdiction to interfere in the slightest degree with the award that was made by the Senate of the United States.

Let me put this proposition: As suggested to me by the Senator on my left [Mr. BRANDEGEE], suppose Congress had refused to appropriate anything, and nothing more had been done with it, and then suppose the Indians had made application before the Court of Claims, for instance, giving jurisdiction thereto, for \$200,000,000. Could not the defense interpose this award of the Senate of the United States as a complete bar to recovering more than \$1,200,000? I do not believe there is a lawyer here who for a single moment will doubt the proposition that that would be a complete bar; and if it would be a complete bar on the part of the United States, it would be as complete a bar on the part of the Government to claim that it is not an award.

Mr. President, I can not possibly see that it makes any difference how this got before the Senate, but in my opening remarks I showed step by step how it got before the Senate. Every one of those steps recited that previous step, and every one of them recited that it was for the purpose of securing an award. When finally we got it before the Senate it was declared openly that it was to be an award, and not only by a Member of the Senate, but the provision which we passed declared that it was an award to pay according to the terms of a certain treaty.

Mr. ALDRICH. Mr. President, there are a good many difficulties about this question, both in reference to the equitable side of it and the legal side. While it is true that the Senate, as a part of the lawmaking power, passed the provision the Senator has read, it did not pass it in the form of an award, with notice to the parties interested that they had made an award. The only notice which went to the parties interested was the act of Congress, and it reads in this wise:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims," named in said section 26, the sum of \$600,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available.

That was not only the action of the Senate, but the action of the House of Representatives, and it was approved by the President. It is the only official record in existence as to what the award was.

Mr. CLAPP. Will the Senator pardon a question?

Mr. ALDRICH. Certainly.

Mr. CLAPP. Does the Senator contend that under an agreement to let the Senate make an award the other party is bound by the declaration of the House at the other end of this building?

Mr. ALDRICH. I say this is the only record that the award was made. If you were asked to furnish a certificate of the action of the Senate, you could not furnish it. There is no legal record in existence, so far as I know, that there has been an award made except this.

It is barely possible that this claim appeals to the equitable sense of Senators, and it does to mine. It looks to me as though we ought to pay these people. But whether we ought to pay them on an appropriation bill, with a limited time for discussion, I have some doubt.

There is another question involved. These claims arose forty-two years ago. Who is going to get the money that is to be paid under this appropriation if you pay this \$600,000. Can anybody tell what part of it will be paid to attorneys and what part to the original claimants or the survivors? I have seen statements in the newspapers about great amounts to be paid to attorneys in this award.

Mr. GALLINGER. Sixty thousand dollars are provided in the amendment.

Mr. ALDRICH. Sixty thousand dollars are to be paid on the face of the amendment, but how many of the claims of these fifteen hundred claimants or their representatives have been

assigned to other people? These questions are perhaps not before us in one sense, but they may be in another sense.

Mr. CLAPP. If the Senator will allow me to answer—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. ALDRICH. Certainly.

Mr. CLAPP. My answer to the question as to who would get this money is that there is nothing in the treaty requiring either the Creeks or their representatives to designate who may get it after it has been delayed by Congress for a term of years.

Now, Mr. President—

Mr. ALDRICH. I am not quite through with my statement. It may be that there is nothing in this provision in the form in which it is as to whom the money is to be paid, but I was asking as a matter of curiosity if any member of the committee knew to whom the money was to be paid. These claims arose forty-two years ago. Most of the original claimants must be dead. It does not, you may say, affect the equity of this case or the legality of these claims; but if we are going to stretch the rules of the Senate and put this claim on the bill, the precedent may be very troublesome to us in the future. I think we ought to get all the information that is possible with reference to the claim before we pay it.

Mr. OWEN. Mr. President, I want to call the attention of the Senator from Rhode Island to the RECORD in regard to this matter. On page 2252 of the CONGRESSIONAL RECORD of February 16, 1903, there is set forth the report of the Committee on Indian Affairs relative to this matter, pointing out precisely the action of the Senate. The report points out what the action of the Senate was; that it was considering this matter, knowing that it was acting as a board of arbitration, and that it did act as a board of arbitration, and in manner and form accepted this proposition as an award.

The argument of the Senator from Rhode Island in effect is that after the Senate has made an award, then the House of Representatives can come into this Chamber through the conferees and take the judge by the throat and compel him to retract. Is that an element of justice that should be pursued as a precedent? When the Senate acts as a board of arbitration, shall any power have the right to come in and say that the Senate shall recede from its position under the penalty of not passing the appropriation bill?

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. If the Senate considered this as a final award, why did they put it on an Indian appropriation bill and send it back to the House?

Mr. OWEN. Because it was the most convenient way in which to pay the award when made. The crux of the matter is that the Senate, acting as a board of arbitration, declared this sum to be due, when they were charged with the knowledge of the fact that they were sitting as a board of arbitration and having made the award coincidentally with it they provided payment. They might have made the award and not provided payment, but the subsequent proceedings looking to the payment by the Senate, and then the Senate having been coerced by the House of Representatives, it does not in anywise diminish the force of the adjustment through this board of arbitration.

Mr. CURTIS. They knew, did they not, Mr. President, when they put the provision in this bill that it would be subject to amendment in the other House?

Mr. OWEN. That related only to the payment of the award, not to the award itself.

Mr. CURTIS. And unless the Senate had agreed to it, it could not have become a law in that appropriation bill.

Mr. OWEN. I say that related to the payment of the award and not to the award itself. The award is one thing; the payment of the award is another thing.

The VICE-PRESIDENT. The Senator from Kansas makes the point of order that the amendment is obnoxious to paragraph 3 of Rule XVI, in that it proposes general legislation. The Senator from Massachusetts interposes an additional point of order to the effect that the item is not for the purpose of carrying out the provisions of some existing law or treaty stipulation.

The Chair has been greatly impressed by the strength of the argument of the friends of the amendment as to the equitable character of the claim. But in deciding the point of order the Chair is, of course, precluded from considering either the equitable nature of the claim or the supposed merit of the claim that is involved in the amendment.

The Chair is of the opinion that in determining the parliamentary question which is raised, it is impossible for him to go back of the act of Congress of 1903 and consider any agreements, awards, or settlements which may have been made prior thereto. The Congress has spoken upon the question, and it is not within the province of the Senate to set aside, nor is it within the province of the Chair to ignore, its deliberate, conclusive action. It is provided in the act as follows:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof on the so-called "loyal Creek claims" named in said section 26, the sum of \$600,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated and made immediately available.

Congress, in order, apparently, to leave no doubt as to its purpose and the effect of the act, provided:

That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims.

Unless this act has been very materially modified or repealed by a subsequent act it stands as the supreme law, and standing as it does, it negatives the suggestion that the pending amendment is to carry out an existing law or treaty stipulation.

The Chair is also clearly of opinion that the amendment can not be entertained under the third paragraph of Rule XVI. It proposes to change a general law. Therefore, it is in the nature of general legislation, and is in contravention of the rule.

In view of the foregoing considerations, the Chair sustains the point of order made by the Senator from Kansas and the point of order interposed by the Senator from Massachusetts.

Mr. OWEN. Mr. President, I have now drawn the amendment objected to in such form as to meet the objection. I should like to have it read.

The VICE-PRESIDENT. At what point does the Senator wish to have the amendment inserted?

Mr. OWEN. At the bottom of page 64.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. At the bottom of page 64, after line 26, insert the following proviso:

Provided, That the Attorney-General is hereby authorized to dismiss the suits brought by the United States to set aside land titles in the eastern district of Oklahoma in cases where the consideration was not inequitable, and where there is no actual fraud involved.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GORE. I desire to submit an amendment to come in at the close of the amendment just adopted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Following the amendment just agreed to, it is proposed to insert:

All suits pending or hereafter brought in the eastern district of the United States district court of Oklahoma to cancel conveyances of Indian allotments shall be given precedence over all other actions, civil and criminal, excepting where the defendant is confined without bail and on petition for the writ of habeas corpus.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. KEAN. I think it very well to adopt the amendment of one Senator from Oklahoma, but I think this is going a little too far. I make a point of order on the amendment that it is general legislation.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. GORE. Mr. President, I request the Senator to withhold the point of order for a moment, that I may make a statement with reference to the amendment.

Mr. KEAN. The Chair has already ruled on it.

The VICE-PRESIDENT. Does the Senator from New Jersey withhold his point of order?

Mr. KEAN. I withhold it for a moment.

The VICE-PRESIDENT. The Senator from Oklahoma will proceed.

Mr. GORE. I would merely like to say that more than 30,000 suits have been brought in the State of Oklahoma during the last eight months with respect to the transfer of Indian allotments, and it has operated as a stroke of paralysis to the eastern section of our State. It, of course, casts a cloud on every piece of land involved in the suits, and casts suspicion on every other transfer and every other title falling within this description. If one case could be tried every day it would require ten years for the trial of these suits. If ten cases were tried every day it would occupy one entire year in the trial of these actions.

This statement ought to be sufficient to impress the Senate with the importance of this disposition of the matter to the people of the State of Oklahoma. I submit that the suits were brought indiscriminately, without investigation. The records were consulted where transfers had been made and suits were instituted and investigations were made afterwards. Some of them have already been dismissed as being entirely without foundation; but it requires too much time, if they are allowed to take the ordinary course of litigation.

I am informed that suits of this kind have been brought to cancel conveyances where the Secretary of the Interior had himself expressly and formally removed the restrictions from the land involved. I cite one particular case where a piece of land was sold by an Indian to a white man. The deed was executed and delivered, and a mortgage was made for the purchase money. Suit has been brought to cancel the mortgage to secure the payment of the debt. So far no suit has been brought to cancel the deed itself.

There is another story told illustrative of this litigation. Land was allotted to a Cherokee woman who was unmarried. Subsequently she married. She leased the land in her married name, and suit has been brought against her for defrauding herself out of her own land. That illustrates the character of the litigation.

Something ought to be done to facilitate, to expedite, and to force a settlement of these suits. The amendment merely gives them precedence over other cases, excepting criminal actions, where the defendant is confined without bail, and in cases brought on petition for a writ of habeas corpus.

Mr. KEAN. Mr. President, I insist upon my point of order. We have already given the Attorney-General power to dismiss a certain class of cases, and I think that is sufficient.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CLAPP. I move to reconsider the vote by which the Senate adopted the amendment on page 54, inserting the matter from line 7 to line 22.

The motion to reconsider was agreed to.

Mr. CLAPP. I ask that the amendment be rejected.

The amendment was rejected.

Mr. OWEN. I offer an amendment in behalf of the Chickasaw chief, Douglas H. Johnson, asking a larger compensation for his services.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill the following:

That the Secretary of the Interior is hereby authorized and directed to pay out of the Chickasaw fund to D. H. Johnson, governor of the Chickasaw Nation, compensation for his services as such governor, at the rate of \$3,000 per annum, from March 4, 1906, so long as he shall legally serve as such governor.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I had called the attention of the chairman of the committee to the amendment on page 88, from line 1 to line 13, inclusive, and understood that he was to withdraw it. Upon information which has come to me very recently with respect to the matter embodied in the amendment, I am compelled to make the point of order against it on the ground that it is general legislation upon an appropriation bill.

I should like to say the reason I do that is that I am informed by representatives of the Oneida Indians, who have just arrived in the city, learning that this legislation was likely to be proposed, that there was an entire misunderstanding upon their part in agreeing to the distribution of this money upon the basis provided for in the amendment.

Mr. CLAPP. The Senator is correct. I had intended to withdraw the amendment.

The VICE-PRESIDENT. In the absence of objection, the amendment will be regarded as open. The question recurs on the amendment reported by the committee, which will be stated.

The SECRETARY. At the top of page 88 it is proposed to insert:

To enable the Commissioner of Indian Affairs to pay to the Oneida band of Indians of the Oneida Reservation, Wis., their proportionate share of the perpetual annuity accruing to the Six Nations of New York Indians, under the sixth article of the treaty of November 11, 1794 (7 Stat. L., p. 46), on the basis of a capitalization of the said annuity at 5 per cent, as provided in the agreement made with the said Oneida band January 4, 1909, said agreement having been made in pursuance with the act of Congress approved April 30, 1908 (35 Stat. L., p. 70), to be immediately available.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEIFER, Mr. GARDNER of Michigan, and Mr. BOWERS managers at the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 2635. An act for the relief of Herman Lehmann;

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association of Mobile, Ala.;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 17960. An act for the relief of Marcellus Butler;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 22340. An act relating to injured employees on the Isthmian Canal;

H. R. 23707. An act to incorporate the Imperial Palace, Dramatic Order Knights of Khorassan;

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;"

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa;

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois;

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

BOSTON AND MAINE RAILROAD.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 7752) for the relief of the Boston and Maine Railroad.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Boston and Maine Railroad \$2,840.83, for railway mail service furnished between Fitchburg, Mass., and South Ashburnham, Mass., from July 1, 1897, to June 7, 1908.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, February 22, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1909.

CONSUL-GENERAL.

Edward L. Adams, of New York, now consul-general of class 6 at Stockholm, to be consul of the United States of class 5 at Dublin, Ireland, vice Alfred K. Moe, nominated to be consul of class 5 at Bordeaux.

POSTMASTERS.

CONNECTICUT.

William A. Smith to be postmaster at Hazardville, Conn. Office became presidential January 1, 1909.

FLORIDA.

John B. Leffingwell to be postmaster at Bradentown, Fla., in place of John B. Leffingwell. Incumbent's commission expired February 1, 1909.

James A. Zipperer to be postmaster at Madison, Fla., in place of Alexander Zipperer. Incumbent's commission expired January 27, 1909.

INDIANA.

William L. Walters to be postmaster at Fort Branch, Ind. Office became presidential January 1, 1909.

IOWA.

William C. Snyder to be postmaster at Lake City, Iowa, in place of William C. Snyder. Incumbent's commission expired January 14, 1909.

KANSAS.

Edwin J. Bookwalter to be postmaster at Halstead, Kans., in place of Edwin J. Bookwalter. Incumbent's commission expired December 13, 1908.

MICHIGAN.

William C. Mertz to be postmaster at St. Charles, Mich., in place of William C. Mertz. Incumbent's commission expired December 12, 1908.

MINNESOTA.

Stephen E. Fay to be postmaster at Raymond, Minn. Office became presidential January 1, 1909.

Charles M. Nelson to be postmaster at Elbow Lake, Minn., in place of Charles M. Nelson. Incumbent's commission expires February 23, 1909.

NEBRASKA.

Frank C. Evans to be postmaster at Wisner, Nebr., in place of Frank C. Evans. Incumbent's commission expires March 3, 1909.

NEVADA.

Idessa G. Moody to be postmaster at Mina, Nev. Office became presidential October 1, 1908.

NEW YORK.

Thomas B. Lowerre to be postmaster at Flushing, N. Y., in place of Thomas B. Lowerre. Incumbent's commission expires March 1, 1909.

NORTH CAROLINA.

Charles M. Hoover to be postmaster at Thomasville, N. C., in place of Charles M. Hoover. Incumbent's commission expires March 1, 1909.

Charles A. Reynolds to be postmaster at Winston Salem, N. C., in place of Charles A. Reynolds. Incumbent's commission expired January 30, 1909.

NORTH DAKOTA.

David C. Boyd to be postmaster at White Earth, N. Dak., in place of David C. Boyd. Incumbent's commission expired December 14, 1908.

OKLAHOMA.

George W. Mellish to be postmaster at Comanche, Okla., in place of George W. Mellish. Incumbent's commission expires March 1, 1909.

PENNSYLVANIA.

John W. Zerbe to be postmaster at Shamokin, Pa., in place of John W. Zerbe. Incumbent's commission expired November 19, 1907.

SOUTH CAROLINA.

Alfred G. Pinckney to be postmaster at Williamston, S. C. Office became presidential January 1, 1908.

SOUTH DAKOTA.

Arthur B. Chubbuck to be postmaster at Ipswich, S. Dak., in place of Arthur B. Chubbuck. Incumbent's commission expired January 20, 1909.

Alexander B. Coutts to be postmaster at Hudson, S. Dak. Office became presidential January 1, 1909.

Orator H. La Craft to be postmaster at Clark, S. Dak., in place of Orator H. La Craft. Incumbent's commission expired December 19, 1907.

TEXAS.

Emily I. Ellis to be postmaster at Toyah, Tex. Office became presidential October 1, 1908.

T. W. Fields to be postmaster at Greenville, Tex., in place of Joseph M. Gurley. Incumbent's commission expired February 13, 1907.

William B. Kirby to be postmaster at Wellington, Tex. Office became presidential January 1, 1909.

John C. McBride to be postmaster at Woodville, Tex., in place of John C. McBride. Incumbent's commission expired February 4, 1909.

H. W. Mullis to be postmaster at McLean, Tex. Office became presidential January 1, 1909.

Lafayette Sharp to be postmaster at San Augustine, Tex., in place of Lafayette Sharp. Incumbent's commission expired February 4, 1909.

Jasper C. Williamson to be postmaster at Kirbyville, Tex., in place of Moses J. Lee, resigned.

VERMONT.

Alma H. Ayer to be postmaster at Richford, Vt., in place of Harlow C. Ayer, deceased.

VIRGINIA.

Warner J. Kenderine to be postmaster at Radford, Va., in place of Warner J. Kenderine. Incumbent's commission expires February 23, 1909.

Joseph E. Rangeley to be postmaster at Stuart, Va. Office became presidential January 1, 1909.

Richard B. Wilson to be postmaster at Crewe, Va., in place of Stanley E. Moore. Incumbent's commission expires March 1, 1909.

WISCONSIN.

William W. Clarke to be postmaster at Milton, Wis., in place of William W. Clarke. Incumbent's commission expires March 1, 1909.

Fred P. Harmon to be postmaster at Belleville, Wis. Office became presidential January 1, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1909.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. James A. Nydegger to be surgeon in the Public Health and Marine-Hospital Service.

CONSULS.

William C. Magelssen, of Minnesota, to be consul of the United States of class 7 at Colombo, Ceylon.

William C. Teichmann, of Missouri, to be consul of the United States of class 8 at Stettin, Germany.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Sanderford Jarman, Coast Artillery Corps, to be first lieutenant.

Second Lieut. Clair W. Baird, Coast Artillery Corps, to be first lieutenant.

Second Lieut. Edward W. Putney, Coast Artillery Corps, to be first lieutenant.

Second Lieut. Gilbert Marshall, Coast Artillery Corps, to be first lieutenant.

CHAPLAINS.

Rev. William Reese Scott, of Pennsylvania, to be chaplain with the rank of first lieutenant.

Rev. Franz Joseph Feinler, of South Dakota, to be chaplain with the rank of first lieutenant.

PROMOTION IN THE NAVY.

Commander Walter McLean to be a captain in the navy.

SECRETARY OF PUBLIC INSTRUCTION, PHILIPPINE ISLANDS.

Newton W. Gilbert, of Indiana.

POSTMASTERS.

ALABAMA.

Lemuel A. Carroll, at Slocumb, Ala.
Edgar A. McFerrin, at Opp, Ala.
Henry C. Willis, at Alexander City, Ala.

CALIFORNIA.

Robert R. Allen, at King City, Cal.
George B. Hannahs, at San Jacinto, Cal.
Otto C. Heck, at Oilcenter, Cal.
John J. West, at Willow, Cal.

GEORGIA.

Isaac T. Sellers, at Cornelia, Ga.

ILLINOIS.

Frederick H. Ballinger, at Chenoa, Ill.
Charles J. Ferguson, at East Alton, Ill.
H. F. Mette, at Flanagan, Ill.
William W. Waters, at Clyde, Ill.
John W. White, at Cullom, Ill.

IOWA.

Harry C. Chapple, at Independence, Iowa.
John C. Felts, at Jesup, Iowa.
John C. Roberts, at Hiteman, Iowa.
Thomas R. Shaw, at Coin, Iowa.
W. A. Simpkins, at Britt, Iowa.
Herman Ternes, at Dubuque, Iowa.

KANSAS.

Gertrude Stevens, at Goodland, Kans.

KENTUCKY.

Isaac N. Bryant, at Corbin, Ky.
Lee B. McHargue, at London, Ky.

MISSOURI.

John H. Fisher, at Sullivan, Mo.
Philip A. Thompson, at Craig, Mo.

MONTANA.

Walter E. Williamson, at Wibaux, Mont.

NEW JERSEY.

William H. Bannard, at Asbury Park, N. J.

NEW YORK.

Melvin D. Herriman, at Sandy Creek, N. Y.

NORTH DAKOTA.

H. B. Allen, at Steele, N. Dak.
Anna Callahan, at Casselton, N. Dak.
William T. Cameron, at Aneta, N. Dak.
Ole I. Ronning, at Columbus, N. Dak.

OKLAHOMA.

William O. Allison, at Hollis, Okla.
Benjamin G. Baker, at Chattanooga, Okla.
Dou A. Fraser, at Wewoka, Okla.

PENNSYLVANIA.

Walter M. Bray, at Palmerton, Pa.
Jennings U. Kurtz, at Berwick, Pa.
Thomas Pickrell, at Old Forge, Pa.

SOUTH DAKOTA.

James Erickson, at Bryant, S. Dak.

VIRGINIA.

John W. Field, at Chincoteague Island, Va.
E. T. Kiser, at Wise, Va.

WASHINGTON.

Alonzo W. Carner, at Castle Rock, Wash.
Charles McKinnon, at Black Diamond, Wash.
George B. Stocking, at Republic, Wash.

INJUNCTION OF SECRECY REMOVED.

On February 18, 1909, the Senate removed the injunction of secrecy from a special agreement between the United States and Great Britain for the submission to the Permanent Court of Arbitration at The Hague of questions relating to fisheries on the North Atlantic coast. (Ex. U, 60th, 2d.)

HOUSE OF REPRESENTATIVES.

SATURDAY, February 20, 1909.

[Continuation of legislative day of Monday, February 15, 1909.]

The recess having expired at 11 o'clock a. m., the House was called to order by the Speaker.

PUBLIC BUILDINGS.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 28167.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the following bill and to consider the same in the House. The Clerk will report the title. The Clerk read as follows:

A bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public buildings acts, and for other purposes.

Mr. FITZGERALD. Let us have the bill read.

Mr. PAYNE. The bill ought to be read.

The SPEAKER. The Chair will say to the gentleman from Missouri that he is notified by the gentleman from Iowa that he desires to call up the diplomatic and consular appropriation bill. This bill is three or four pages long, and the Chair will furnish an opportunity—

Mr. BARTHOLDT. Mr. Speaker, I suggest this bill will take only a few minutes. It carries no new appropriation, it merely makes certain changes made necessary by changed conditions in respect to public buildings acts passed in the last two Congresses, and I hope the gentleman will yield.

Mr. COUSINS. I think the gentleman should come in after this. This bill is desired at the other side, and it must go over there or we will be running amuck with the appropriations. There are four appropriation bills—

Mr. BARTHOLDT. I appeal to the gentleman to give way for a few minutes for this purpose. This bill must go over to the Senate in order to pass this session.

Mr. COUSINS. How long?

Mr. BARTHOLDT. For a few minutes.

Mr. COUSINS. Mr. Speaker, if I am recognized I will yield the gentleman five minutes.

The SPEAKER. It will take five minutes to read the bill, but the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in every instance in which the act of May 30, 1908, included the cost of the site in the extension of the limit of cost fixed for a public building previously authorized to be constructed upon land owned by the United States, such limit of cost be, and the same is hereby, amended and fixed at the amount named in said act for each of such buildings, but exclusive of the cost of the sites thereof, respectively.

SEC. 2. That so much of the amount heretofore authorized for the construction of a suitable building for the accommodation of the United States post-office, United States courts, and other governmental offices at Muskogee, Okla., as may be necessary shall be available for the acquisition of a suitable site, and the Secretary of the Treasury is hereby authorized and directed to acquire such site by purchase, condemnation, or otherwise: *Provided*, That the limit of cost heretofore fixed shall not be exceeded in the acquisition of such site and the erection of a suitable building thereon.

SEC. 3. That of the amount heretofore authorized for the enlargement of the post-office building at Rock Island, Ill., the sum of \$5,000, or so much thereof as may be necessary, shall be available for the acquisition of additional land.

SEC. 4. That the amount heretofore authorized for the enlargement, extension, and repair of the United States post-office at Portland, Me., shall be available for the United States court-house at Portland, Me.

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to reduce the open space for fire protection at Du Quoin, Ill., to 15 feet, to insure the acquisition of a suitable site within the limit of cost heretofore fixed.

SEC. 6. That the Secretary of the Treasury may, in his discretion, disregard the provision requiring sites to be bounded upon at least two sides by streets in so far as same shall apply to the town of Plymouth, Mass.

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to apply not to exceed \$7,000, or so much thereof as may be necessary, of the amount heretofore authorized for the erection of a suitable building for the accommodation of the United States post-office at West Point, Miss., for the acquisition of a suitable site, in addition to the \$5,000 heretofore authorized for the acquisition of a site.

SEC. 8. That the Secretary of the Treasury may, in his discretion, disregard the provision requiring sites to be bounded upon at least two sides by streets in so far as same shall apply to the city of Westerly, R. I.

SEC. 9. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to reduce the open space for fire protection at Beatrice, Nebr., to 10 feet, to insure the completion of the proposed addition to the present federal building within the limit of cost heretofore authorized.

SEC. 10. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a temporary addition to the United States post-office and court-house at Detroit, Mich., at a limit of cost not to exceed \$7,500, to be paid from the appropriation heretofore authorized for the extension and remodeling of the United States court-house and post-office at Detroit, Mich.

SEC. 11. That so much of section 5 of the act of Congress entitled "An act to increase the limit of cost of certain public buildings, to

authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved May 30, 1908, as authorized the Secretary of the Treasury to acquire a suitable site for a new custom-house in the city of Boston, Mass., at a limit of cost of \$500,000, be, and the same is hereby, amended so as to authorize the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise, a site for a new custom-house building at Boston, Mass., at not to exceed \$500,000, or in his discretion to cause plans to be prepared for the enlargement, remodeling, or extension of the present custom-house building in said city; and for this purpose he is hereby authorized and empowered to select and employ a special architect for the purpose and to compensate him for his services on the basis of the schedule of the American Institute of Architects, and so much of the appropriation heretofore made for the acquisition of a new site as may be necessary is hereby made available for that purpose.

SEC. 12. That in the acquisition of a new site heretofore authorized for the subtreasury at San Francisco, Cal., and for the purpose of securing better facilities for light and air and a larger open space than is now required by law to be provided as a protection against the danger of fire in adjacent buildings and in consideration of the granting to the United States of a perpetual right of way over a strip of land 25 feet in width next adjacent to such site, or the dedication of said strip of land to the city of San Francisco for a public alley, the Secretary of the Treasury be, and he is hereby, authorized to cause said strip of land to be graded, paved, and improved to such extent as may be necessary to put the same in condition for use or as may be required to make it conform to the ordinances and regulations of the city of San Francisco governing the acceptance and regulations of the city for the purposes of a public alley; and for this purpose the Secretary of the Treasury is authorized to expend such sum as may be necessary, not to exceed \$10,000, from the appropriation for "Repairs and preservation of public buildings." *Provided*, That said alley shall not be graded, paved, or improved as aforesaid at the cost and expense of the United States for a greater distance than said subtreasury site may abut thereon, nor until the title to such subtreasury site shall have become vested in the United States.

SEC. 13. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire additional land for the further enlargement of the federal building site at Beaumont, Tex., by purchase, condemnation, or otherwise, at a limit of cost not to exceed \$800, and to make payment therefor from the unexpended balance of the appropriations made for carrying into effect the provisions of section 1 of the act of June 6, 1902, so far as the same may relate to the federal building at Beaumont, Tex.

The SPEAKER. Is there objection?

Mr. BARTHOLDT. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.
The Clerk read as follows:

On page 6 of the bill, after line 12, insert the following:

"SEC. 14. That the Secretary of the Treasury may, in his discretion, disregard the provisions requiring sites to be bounded upon at least two sides by streets in so far as same shall apply to Bedford City, Va."

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BARTHOLDT. Certainly.

Mr. FITZGERALD. Is there any item in this bill which relates the title of the United States to any land at any place?

Mr. BARTHOLDT. No.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new section the following:

"SEC. 15. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to reduce the open space for fire protection at South Chicago, Ill., to 15 feet."

Mr. BARTHOLDT. I accept that amendment, Mr. Speaker.
Mr. Speaker, I offer another amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new section:

"SEC. 16. That the item contained in section 5 of the act of Congress entitled 'An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes,' approved May 30, 1908, for 'United States post-office at Washington, D. C., \$500,000,' be, and the same is hereby, amended so as to add to the same the following provision: That if any balance remains within said limit after acquiring the site herein authorized, the Secretary of the Treasury be, and he is hereby, authorized to expend the same in preparation of the necessary plans, and toward the commencement of the construction of said building."

Mr. WEEKS. Mr. Speaker, I would like an explanation of that amendment.

Mr. BARTHOLDT. Mr. Speaker, in the last bill \$500,000 was appropriated for the acquisition of a site for a new post-office in the city of Washington. It seems that they have succeeded in procuring a site for \$450,000, so that \$50,000 is left as an unexpended balance of that appropriation. This \$50,000 shall be used for the purpose of preparing plans for the new building, appropriation for which, however, is not made in this bill.

Mr. WEEKS. That is the appraiser's storehouse?

Mr. BARTHOLDT. No; it is the post-office at Washington.

Mr. MANN. Would not this permit plans for the building without any limit of cost and authorize the commencement of work?

Mr. BARTHOLDT. No, sir.

Mr. MANN. That is just what it would do.

Mr. BARTHOLDT. No appropriation is made; hence there can not be a limit of cost fixed.

Mr. MANN. But, then, there is a commencement of work; hence it becomes a work in progress. I suppose the gentleman's committee will take care of that.

Mr. FITZGERALD. What is it expected this building will cost?

Mr. BARTHOLDT. The Committee on Public Buildings and Grounds has no idea as to what the size and character of that building is to be.

Mr. FITZGERALD. I suggest to the gentleman that until the committee decides the size and character and limit that is to be put on the cost, it would seem ill advised to authorize the preparation of the plans.

Mr. MANN. And there is a commencement of construction.

Mr. BARTHOLDT. It has been found that time will be saved by such a course.

Mr. FITZGERALD. It is better to lose time and save money, I suggest to the gentleman.

Mr. BARTHOLDT. If we fix a limit of cost in this bill, it will be considered as an appropriation.

Mr. FITZGERALD. Oh, no.

Mr. BARTHOLDT. It has been so considered as to similar public buildings.

Mr. FITZGERALD. But since that time Congress has passed an act that nothing shall be considered as an appropriation unless the specific amount is appropriated, and the Comptroller of the Treasury follows that statute.

Mr. BARTHOLDT. If there is to be any objection to it, Mr. Speaker, I withdraw the amendment.

Mr. MANN. The gentleman withdraws the amendment?

Mr. BARTHOLDT. I withdraw the amendment, Mr. Speaker.

The SPEAKER. The amendment is withdrawn.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 27894. An act amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906;

H. R. 25396. An act for relief of applicants for mineral surveys;

H. R. 21167. An act to reimburse J. N. Newkirk, postmaster of San Diego, Cal.;

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered;

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 13712. An act for the relief of the legal representatives of Sarah J. Montgomery, deceased;

H. R. 26516. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 3844. An act for the relief of E. L. Simpson;

H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes;

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;"

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road;

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 17303. An act authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia;

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes;

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;

H. R. 19762. An act to reimburse the postmaster at Sandborn, Ind.;

H. R. 17171. An act for the relief of Benjamin F. Curry; and H. R. 4307. An act for the relief of E. J. Reed.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama;

H. R. 24835. An act authorizing the resurvey of public lands;

H. R. 24149. An act granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.;

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes;

H. R. 4286. An act for the relief of John Shull;

H. R. 20837. An act entitled "An act to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes;" and

H. R. 20111. An act entitled "An act to amend an act entitled 'An act to establish a Code of Law for the District of Columbia' relative to gambling, bucket shops, and bucketing."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9402. An act for the relief of John M. Layne;

S. 8905. An act for the establishment of a probation system for the District of Columbia;

S. 5092. An act to remove the charge of desertion against the military record of James A. Windsor;

S. 8424. An act for the relief of the owners of lighter No. 128;

S. 8654. An act for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.; and

S. 9348. An act to reimburse Frank Wyman, postmaster at St. Louis, Mo., for embezzlement of money-order funds by clerk at said post-office.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 26915. An act making appropriation for the support of the army for the fiscal year ending June 30, 1910.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate recedes from its amendments to the bill of the House of Representatives (H. R. 24140) entitled "An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement," disagreed to by the House of Representatives.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill (H. R. 27523); and, pending that motion, I would like to inquire of the gentleman from Georgia [Mr. Howard] if he can inform me what time is desired on that side?

Mr. HOWARD. We shall not ask for time.

Mr. COUSINS. In that event, I should say we would not require more than twenty minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent to close debate on this bill in forty minutes—one-half of the time to be controlled by himself and one-half by the gentleman from Georgia [Mr. Howard]. Is there objection? [After a pause.] The Chair hears none.

The motion to go into Committee of the Whole House on the state of the Union was then agreed to.

The SPEAKER. The gentleman from Michigan [Mr. Diekema] will take the chair.

Mr. CARLIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CARLIN. If a motion to adjourn were made at this hour, and assuming it would be carried, to what time would the House stand adjourned?

The SPEAKER. We are in Committee of the Whole, and we can not adjourn; but we could when the committee rises. The Chair is under the impression, however, that there are special orders for to-morrow.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DIEKEMA in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 27523, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910.

Mr. COUSINS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. COUSINS. Mr. Chairman, there is so little of new matter in the bill which the Committee on Foreign Affairs offers to the Committee of the Whole House that very little time is necessary to be used in its explanation. The bill carries \$3,592,738, an increase of only about \$18,000 over the appropriations of last session, and \$350,000 less than the estimates of the State Department. There are very few new items. There is a proposition to amend the law with reference to chargé d'affaires acting in the place of ambassadors or ministers who may be absent on leave, which will save the necessity of deficiency appropriations, which have been carried constantly from year to year by the Appropriations Committee, but it makes no difference whatever in the amount appropriated or expended. The other new items are for very limited amounts—one for the entertainment of the Prison Congress in Washington, one for the entertainment of the International Congress of Hygiene and Demography, and the department is asking for 10 student interpreters in Turkey to correspond with the provision now made for student interpreters in China and Japan. Under the new Government of Turkey very wide fields are being opened to the United States and other countries in the way of trade.

The very best investment that has ever been made, in my judgment, has been the appropriations for student interpreters in China and Japan. They have enlisted in the service a class of very able and bright young men, who are willing to enter the service for a thousand dollars a year, and to-day many of them are occupying positions such as deputy consuls and vice-consuls in the Orient, rendering the very best service to this Government. We want a corps of student interpreters in Turkey, as I said, to correspond with those in the Orient, in China and Japan. There is also a new provision in the bill providing for ten additional consular assistants. We recommend this proposition instead of another proposition calling for \$125,000 for the vice-consuls who might take the place of consuls.

The idea of the committee in adopting this provision for ten new consular assistants is that they will be a permanent corps of American citizens especially trained to assist or act in place of consuls. Their salary starts at a thousand dollars, and after seven years they may reach \$1,800.

Mr. Chairman, we are carrying on this foreign service with only about \$3,500,000. I doubt very much if any department of this Government is accomplishing so much with that amount of money. We are supporting and paying for ambassadors, ministers, consuls-general, consuls, and other officials and employees, as follows:

Ambassadors, at \$17,500 each	10
Ministers, at \$12,000 each	8
Ministers, at \$10,000 each	24
Diplomatic agents, at \$10,000 each	1
Minister resident and consul-general, at \$10,000	3
Minister resident and consul-general, at \$5,000	1
Secretaries of embassies and legations (ranging from \$2,000 to \$3,000 each)	41
Second secretaries (\$1,800 to \$2,000 each)	12
Third secretaries, at \$1,200 each	7
Consul-general inspectors	5
Consuls-general	63
Vice-consuls-general	65
Deputy consuls-general	26
Consuls	241
Vice-consuls	241
Deputy consuls	23
Consular assistants	20
Consular agents	286
Interpreters	21
Clerks in consulates	314
Student interpreters	16
Marshals	8
Total	1,329

Consuls-general	63
Consul, class 1	1
Consul, class 2	1
Consuls, class 3	10
Consuls, class 4	14
Consuls, class 5	22
Consuls, class 6	34
Consuls, class 7	55
Consuls, class 8	61
Consuls, class 9	45
Consular agents	286
Total	592
Fees turned into Treasury last fiscal year	\$1,512,304
Consuls' salaries	1,037,000
Balance	475,304

Since the adoption of the consular reorganization act two or three years ago, by which all the fees are turned directly into the Treasury instead of being paid in part to consuls, our consular system has become almost self-supporting.

Mr. COX of Indiana. How are these student interpreters to be appointed, or by whom?

Mr. COUSINS. They are appointed by the President, after being examined by a board of examiners, one of whom is from the Civil Service Commission and two others named from the State Department.

Mr. COX of Indiana. Are their appointments confirmed by the Senate, or will they be?

Mr. COUSINS. I think not, in that case.

Mr. COX of Indiana. Then, they are not directly under the jurisdiction of the Civil Service Commission, are they?

Mr. COUSINS. Practically; yes.

Mr. COX of Indiana. Would you say, then, that they are under the Civil Service Commission?

Mr. COUSINS. I should say practically; yes.

Mr. COX of Indiana. How are these various clerks appointed whom I see named in the bill? Are they appointed by the President?

Mr. COUSINS. Clerks are not, but the consuls are. Under the Constitution the President shall appoint ambassadors, ministers, consuls, and other diplomatic agents, by and with the advice and consent of the Senate.

Mr. COX of Indiana. Do the consuls appoint their own clerks, or are the clerks under the civil service?

Mr. COUSINS. No; they are not. When the clerks receive less than \$1,000 per annum they may be foreigners; but during the last three years we have Americanized the system to such an extent that more than 50 per cent now employed are Americans.

Mr. COX of Indiana. I think that is absolutely commendable; but how are the clerks who draw salaries exceeding \$1,000 appointed?

Mr. COUSINS. By the State Department.

Mr. COX of Indiana. They are appointed by the Secretary of State?

Mr. COUSINS. Yes.

Mr. COX of Indiana. And their appointments are not confirmed by the Senate?

Mr. COUSINS. No. They do not represent the Government, except in a clerical capacity.

Mr. COX of Indiana. I see the time in which these student interpreters are to serve is limited to five years. Is that correct?

Mr. COUSINS. They enter into an engagement with the Government to serve five years, if their services are desired.

Mr. COX of Indiana. It is presumed, I suppose, that at the end of that time their service will automatically cease?

Mr. COUSINS. In very few instances have their services to the Government ceased. From student interpreters some have been advanced to more important positions, such as vice-consuls and deputy consuls, or secretaries, and have proven most useful officers in the foreign service.

Mr. COX of Indiana. Then the idea is to give them an opportunity gradually to work themselves from the bottom to the top.

Mr. COUSINS. Yes.

Mr. COX of Indiana. I think that is a good idea.

Mr. COUSINS. I was saying that since the adoption of the consular reorganization bill the consular service has been practically self-supporting. It costs this Government only about \$400 to maintain a consulate at the present time. During the last fiscal year the fees of the consulates amounted to \$1,512,304. The salaries of the consuls were only \$1,037,000, making a net gain of \$475,304.

Of course the consular establishment is not wholly self-supporting, for the reason that there is charged to that service all the inspectors' expenses, all of the vast contingent expenses that we appropriate, amounting to half a million dollars.

Only a few years ago these consuls paid out of their own pockets probably half of the postage that was required to answer the communications from American business men. Today we are appropriating for these contingent expenses \$525,000, which cover postage and other miscellaneous items, and which relieves these representatives of the Government of the great expense of answering correspondents from our country.

There has been a very great improvement in the last three or four years, under the administration of Mr. Root, than whom, in my judgment, no greater Secretary ever served the United States. [Applause.] With the very intelligent and consistent support of the gentlemen of the minority on the Committee on Foreign Affairs, and particularly that of the gentleman from Georgia [Mr. HOWARD], looking to the improvement of the foreign service, we have had the greatest progress that has been witnessed, in my judgment, in any department of the Government. [Applause.] I shall now yield to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I yield back such time as was allotted to me, as it seems not to be the desire of anyone to occupy time now.

Mr. COUSINS. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Chargés d'affaires ad interim, \$40,000.

Total, \$550,500.

Mr. HAMLIN. Mr. Chairman, I desire to ask the gentleman in charge of the bill a question. Is the amount carried for this item the amount carried in the bill of last year?

Mr. COUSINS. There is no change either in the salaries or classification of ambassadors and ministers.

Mr. HAMLIN. Can the gentleman inform me if it is the same amount carried in the bill for 1908?

Mr. COUSINS. Yes.

Mr. HAMLIN. Any unexpended balance at the close of the fiscal year is available for expenditure in the next fiscal year without any further appropriation?

Mr. COUSINS. The balance of the salary, if unexpended, would revert to the Treasury.

Mr. HAMLIN. What becomes of the balance of the fund?

Mr. COUSINS. It reverts to the Treasury.

Mr. HAMLIN. And must be reappropriated?

Mr. COUSINS. Yes.

Mr. HAMLIN. Are the expenditures for this last fiscal year for this purpose any greater than the expenditures for the fiscal year 1908?

Mr. COUSINS. This is for 1910.

Mr. HAMLIN. I understand; but the gentleman said that the same amount was carried in the fiscal year of 1909.

Mr. COUSINS. For the present fiscal year.

Mr. HAMLIN. Are the expenditures any greater for this year than for the year 1908?

Mr. COUSINS. I stated that there was no change either in the salaries or classification of ambassadors or ministers.

Mr. HAMLIN. Now, I notice from the report of the Secretary of State that the expenditure for these items of 1908 was only \$467,749.42.

Mr. MANN. The gentleman from Missouri said the expenditure for 1908. That is not this year. We passed a bill which did make a change—

Mr. COUSINS. We passed a bill in 1907 which increased the salaries very much; we increased the salaries of certain ministers.

Mr. HAMLIN. Then the gentleman from Iowa misunderstood my question. I asked if there had been any increase since 1908.

Mr. COUSINS. There was in 1907, which provided for 1908.

Mr. HAMLIN. Then the necessary expenditures for 1909 would be greater than 1908?

Mr. COUSINS. Yes. I have not distinctly heard the gentleman's questions. There were many increases in salaries for 1909 over 1908, but none in this bill for 1910 over those for 1909.

The Clerk read as follows:

Section 1685 of the Revised Statutes is hereby amended to read as follows: "For such time as any secretary of embassy or legation shall be lawfully authorized to act as chargé d'affaires ad interim at the post to which he shall have been appointed he shall be entitled to receive, in addition to his salary as secretary of embassy or legation, compensation equal to the difference between such salary and 50 per cent of the salary provided by law for the ambassador or minister at such post."

Mr. MACON. Mr. Chairman, reserving the point of order against that paragraph, I would like to ask the chairman the reason for this change.

Mr. COUSINS. The reason is this: For many years a portion of the salary, or compensation, of chargé d'affaires has

had to be appropriated in the deficiency appropriation bill. This provision does not increase the amount in any instance.

Mr. MACON. Then, it is simply desired to obviate the necessity of making two appropriations?

Mr. COUSINS. Exactly.

Mr. MACON. I withdraw the point of order.

The Clerk read as follows:

For six student interpreters at the embassy to Japan, who shall be citizens of the United States, and whose duty it shall be to study the Japanese language with a view to supplying interpreters to the embassy and consulates in Japan, at \$1,000 each, \$6,000: *Provided*, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the embassy and consulates in Japan so long as his said services may be required within a period of five years.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. I would ask the gentleman in charge of the bill whether it is necessary to have 10 student interpreters at Constantinople. I can see the reason for 10 in China and for a number in Japan, but it seems to me that 10 at Constantinople is a large number.

Mr. COUSINS. No; we have necessity for the employment of 15 interpreters for Turkey and the region around Turkey where the Turkish and Arabic languages are used.

Mr. MANN. I withdraw the point of order.

Mr. MACON. I renew the point of order. Is that the provision for 10 interpreters for Turkey?

Mr. MANN. They are student interpreters. It is on page 8.

Mr. COUSINS. It will be the most economic investment the Government can make.

Mr. MACON. The gentleman from Illinois is ahead of the reading clerk. He has not yet reached the provision. I withdraw the point of order.

The Clerk read as follows:

For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey with a view to supplying interpreters to the embassy and consulates in Turkey, at \$1,000 each, \$10,000: *Provided*, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the embassy and consulates in Turkey so long as his said services may be required within a period of five years.

Mr. MACON. Mr. Chairman, I reserve the point of order upon that paragraph, for the purpose of asking the gentleman a question in regard to it. What is the necessity for the creation of these 10 positions at \$1,000 a year each in Turkey?

Mr. COUSINS. I was answering a moment ago a question which I thought pertained to this paragraph when I said that there are 15 posts at which we must have interpreters, and we can not hire them for the amount that we are paying the student interpreters in China and Japan now, \$1,000.

Mr. MACON. Under existing law do we employ fifteen?

Mr. COUSINS. We have to have fifteen in Turkey and the surrounding region.

Mr. MACON. And that is necessary under existing law?

Mr. COUSINS. I will ask the Clerk to read a few statements here that I think ought to be in the Record, pertaining to the trade and prospects of trade with Turkey under their new government.

Mr. MACON. I expect the gentleman and I can get together without waiting for this reading.

Mr. COUSINS. I think this ought to be in the Record.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

The September (1908) number of the Near East, a paper devoted to the political and commercial interests of the Turkish Empire, said:

"For many years past, firms endeavoring to do business in the Ottoman Empire have met with difficulties. The extension of their clientele has been accomplished only by slow degrees. The openings for the development of trade have not been numerous. It is now generally admitted that these drawbacks will disappear. It is no exaggeration to state that the amount of trade which is to be secured within the confines of the Ottoman Empire is gigantic. In spite of the country's wealth of material, the bulk of the goods consumed is purchased abroad."

OCTOBER 13, 1908.

Consul William C. Magelssen, at Bagdad, says of conditions in that part of Asiatic Turkey:

"The foreign trade of Bagdad, including imports and exports, for 1907 amounted to \$23,577,813. Although the United States is one of Turkish Arabia's best customers, the latter takes practically nothing in return. With the completion of the Bagdad Railway, and the subsequent development of Mesopotamia and adjoining regions, the trade will in the near future be doubled, and American manufacturers would do well to make an effort to secure their proper share of this commerce."

Consul-General Ravndal, of Beirut, in the Daily Consular Report for October 22, 1908, reports that in a recent decree the provisions prohibiting the importation into Turkey of typewriters with Arabic, Armenian, or Turkish characters or lettering have been abolished, and he urges the American manufacturers of typewriters to bestir themselves, as to gain a foothold in these virgin markets.

JANUARY 25, 1909.

Consul-General Ravndal, at Beirut, says:
"Already the commerce of the Levant, although still in its infancy, is considerable. Turkey alone exports goods to the value of approximately \$100,000,000, while her imports are still more important. For the fiscal year ended March 31, 1906, they were officially estimated at \$138,792,933. As for the United States, it buys in a year Turkish products to the amount of about \$15,000,000 and sells to Turkey American manufactures valued at about \$4,500,000."

JANUARY 28, 1909.

Special Agent R. R. Dennis, in a special report on the American farm-implement trade with Turkey, says:

"The great change that has lately taken place in the Ottoman Empire promises to be the forerunner of an immense increase in the volume of foreign trade."

NOVEMBER 27, 1908.

A native of Turkey, who is now in business in New York City, wrote to the Bureau of Manufactures as follows:

"With the new constitution in the Ottoman Empire, articles formerly not allowed to enter the country started going there with a rush since the restrictions and drawbacks existing under the old régime have been removed by the new, and an immense field of trade and enterprise is opening in the whole country. The openings for the American staple products and manufactures and the trade opportunities for the American capitalist are many, and those who will be the first on the ground will reap the best profits."

Mr. MACON. Now, Mr. Chairman, I desire to ask the gentleman, after the reading of that very important communication, if under existing law it is necessary to employ the 15 interpreters in Turkey; and if so, what is the total cost of their employment?

Mr. COUSINS. The total cost would be more than if we do not educate and employ American citizens.

Mr. MACON. I see that it will cost \$10,000 in this particular paragraph for the salaries of the 10 students.

Mr. COUSINS. Exactly.

Mr. MACON. Then in the next paragraph we provide for the payment of \$125 a year for each student.

Mr. COUSINS. Oh, that is for their schooling, their tuition.

Mr. MACON. And that practically makes \$1,125 per annum for each of them.

Mr. COUSINS. That is all. As I said, it is one of the most economic investments that we have ever made.

Mr. MACON. Does the gentleman remember just what we pay the 15 interpreters that we are employing under existing law?

Mr. COUSINS. No; I could not give the exact amount.

Mr. MACON. The gentleman assures me as chairman of the committee, after having made investigation, that this will not be in excess of existing expenditures for this service.

Mr. COUSINS. Not at all. In fact, I can give the gentleman the word of the Chief of the Consular Bureau, who says it will be an economic investment.

Mr. MACON. The gentleman's word is good to me.

Mr. COUSINS. I should dislike very much if the gentleman should make any objection to a provision which will, as these testimonials show, open a vast field of trade, and very likely in cotton goods, and I take it that the gentleman is somewhat interested in that.

Mr. MACON. The gentleman understands that I have no desire on earth to hinder the progress of the affairs of any of the departments of the Government.

Mr. COUSINS. That is right.

Mr. MACON. My only idea in connection with this matter being to prevent an unnecessary depletion of the finances of the country, I do not want to be a party to the increase of our expenditures, and thereby further exploit the revenues of the country, when it is not absolutely necessary to do so. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

CLERKS AT THE EMBASSY AT LONDON.

For 2 clerks at the embassy to Great Britain, 1 at the rate of \$1,500 per annum and 1 at the rate of \$1,200 per annum, \$3,000.

Mr. EDWARDS of Georgia. Mr. Chairman, I wish to ask the gentleman in charge of the bill if he would object to this amendment to that paragraph, to insert the words "who shall be American citizens" after the word "clerks," in line 9, on page 9?

Mr. COUSINS. Mr. Chairman, I can not hear the gentleman.

Mr. EDWARDS of Georgia. I ask the gentleman if there would be any objection to this amendment, to insert the words "who shall be American citizens" in line 9, page 9, so the paragraph will read:

For two clerks who shall be American citizens at the embassy at Great Britain, etc.

Mr. COUSINS. Well, we have a general law now that every one receiving a salary as high as \$1,000 shall be an American citizen.

Mr. EDWARDS of Georgia. Then I wish to ask the gentleman why it is necessary to insert back here—the exact item I can not place now, but I remember the reading of it—that they should be American citizens?

Mr. PERKINS. Those are interpreters.

Mr. COUSINS. They are secretaries of legations, and it is necessary that they should be American citizens, because, for one reason, they have charge of important papers.

Mr. EDWARDS of Georgia. But they receive salaries of over \$1,000 a year.

Mr. COUSINS. All of them.

Mr. EDWARDS of Georgia. What distinction do you draw between clerks and secretaries?

Mr. MANN. They do not receive salaries of over \$1,000 a year, but receive salaries of \$1,000 a year.

Mr. EDWARDS of Georgia. You have that provision on page 8, line 12, so why not have it on line 9, page 9?

Mr. COUSINS. You can not procure American citizens for \$800 who are competent to do this work, and the Congress in its wisdom fixed a limit at \$1,000, and it has accomplished almost a complete Americanization of the foreign service. Of course the amendment, if offered, would be subject to a point of order, because it would be a change of existing law, and I should be obliged to make the point of order.

Mr. PERKINS. Will the gentleman allow me a moment? I think perhaps the gentleman misunderstood the subject about which he asked; and that was with respect to interpreters, was it not? He said the words "American citizens" were put in another part of the bill. The provision on page 8 is in reference to interpreters. The general provision covers assistant secretaries and consular agents. There was some question whether the general provision of law would apply also to interpreters, so it was deemed best to have a special clause in reference to interpreters, directing that they should be citizens of the United States, which is not required in reference to other employees. That explains, I think, the matter and the reason for this provision being found in the paragraph.

Mr. EDWARDS of Georgia. Of course, I shall not offer the amendment if it is covered by existing law. I merely raised the question to get information on the matter.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEYBURN, Mr. SUTHERLAND, and Mr. McLAURIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. R. 138. Joint resolution to provide for the printing of 25,000 copies of a portion of the report of the National Conservation Commission.

The message also announced that the Senate had passed the following bill and resolution, in which the concurrence of the House of Representatives was requested:

S. 9154. An act to amend an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, approved May 27, 1908.

Senate concurrent resolution 101.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of the Arkansas River between Little Rock and Dardanelle with a view to ascertaining if said part of said river is susceptible of being made available for purposes of navigation during the entire year, and, if found capable of being made so available, then to report an estimate of the cost of improving such part of said river by the construction of locks and dams, or otherwise, as well as to report an estimate of the probable tonnage that will seek transportation thereon in the event the same were so improved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, \$325,000.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word. I do it for the purpose of getting some information from the chairman of the committee, and I know of no better source of getting it than of him. The bill appropriating funds for this established purpose covering the fiscal year 1908, the only year that I have the report on, was only \$225,000.

Mr. COUSINS. Yes.

Mr. HAMLIN. I notice in the report of the Secretary of State that he did not use that amount even by some \$7,000. Now, why this increase of \$100,000 per annum for this item?

Mr. COUSINS. This increase was provided in the bill in the last Congress.

Mr. HAMLIN. I am aware of that fact, but what was the reason for it?

Mr. COUSINS. The reason for it was that our representatives abroad, in many instances, were buying their own typewriting machines and paying postage on letters in answering communications from American merchants, and have been for a decade or more, and the Congress, in the last session, provided for that; and the fact that \$7,000 was returned to the Treasury only shows the exactness with which this administration is carried on by the State Department, and instead of being subject to criticism it is a most commendable thing that when they found they did not need it it is returned to the Treasury.

Mr. HAMLIN. Now, Mr. Chairman, I do not want to be put in the attitude of criticising; I am simply asking for information.

Mr. COUSINS. I do not wish to put the gentleman in that attitude, and I am glad to give such information as I can.

Mr. HAMLIN. I do not want to cripple this part of the service in any way whatever, but I would like to ask this question: Why were these officers abroad compelled to pay money out of their own pockets heretofore? Was it because the Government did not appropriate sufficient money?

Mr. COUSINS. Precisely; and it was perhaps because these men had so much at heart the interest of American business that they were willing to put their hands in their own pockets and pay the postage.

Mr. HAMLIN. Then, if the gentleman is not in error as to his statement, why did they not use the whole \$225,000 appropriated for the department for that purpose for the fiscal year 1908?

Mr. COUSINS. Because you can never know how much of a contingent fund will be used.

Mr. HAMLIN. But, if these men were needing this amount of money for the purpose of paying postage, and so forth, why did not the department use the \$225,000 instead of turning back nearly \$8,000?

Mr. COUSINS. Because they found at that particular time it was not necessary; and that is most commendable conduct on the part of the State Department, in my judgment.

Mr. HAMLIN. Does the evidence which has been presented to the gentleman convince him that the full \$325,000 will be needed to pay the expenses during the next fiscal year?

Mr. COUSINS. I believe so; I have never known an administration of affairs that has been conducted more exactly for the public interest than has been the administration in the State Department in recent years.

Mr. HAMLIN. Now, Mr. Chairman, I would like to call the attention of the committee to this fact: That there was appropriated for this purpose for the fiscal year 1908, \$225,000; there was expended \$218,964.91, leaving a balance of \$6,035.92, credited to this fund, with a repayment of \$1,245.81, making a balance of \$7,282.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. I would like to have two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMLIN. Now, the point that I can not understand is why, if these consular agents and other representatives of the

Government in foreign countries needed money to pay their expenses, that \$7,000 of money already appropriated for that purpose was not used for reimbursement to them for any expenses they had been to. I can not see the condition arising why there should be an increase of \$100,000 in twelve months in this item alone.

Mr. COUSINS. Why, it is not an increase. This appropriation of the amount mentioned by the gentleman affects not only the paying of postage and buying of typewriting machines, but for rent of offices as well. For years the consuls have been allowed to live in back streets and alleys and in the poorest places in foreign cities.

We have improved that condition by giving increased rent allowances and have bettered the conditions in the offices by procuring typewriting machines; by paying the postage, which had formerly been paid out of the pockets of these gentlemen who represent our interests abroad; by installing necessary furniture and books.

Mr. HAMLIN. Then, I come back to the gentleman with the question, If that condition existed, why did they not use the full \$225,000 that was appropriated for the year 1908?

Mr. COUSINS. As I said to the gentleman, you never can know what the contingencies will be.

Mr. HAMLIN. These men report to the Secretary of State, do they not?

Mr. COUSINS. Yes, sir.

Mr. HAMLIN. He would know that when he gets these reports.

Mr. COUSINS. They are sent and must be audited in the Treasury Department.

Mr. HAMLIN. I withdraw the pro forma amendment.

The Clerk read as follows:

TRANSPORTATION OF DIPLOMATIC AND CONSULAR OFFICERS IN GOING TO AND RETURNING FROM THEIR POSTS.

To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts, or when traveling under the orders of the Secretary of State, at the rate of 5 cents per mile, but not including any expense incurred in connection with leaves of absence, to continue available during the fiscal year 1910, \$30,000.

Mr. EDWARDS of Georgia. Mr. Chairman, I wish to submit the following amendment to that paragraph: Insert the word "actual" after the word "the" and before the word "cost," in line 5, page 10; and the words "not to exceed" at the beginning of line 8, page 10; and strike out the word "at" in line 8, so that the paragraph will read:

To pay the actual cost of the transportation of diplomatic and consular officers in going to and returning from their posts or when traveling under orders of the Secretary of State, not to exceed the rate of 5 cents per mile.

Mr. COUSINS. I have not the slightest objection to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 5, page 10, before the word "cost," insert the word "actual;" at the beginning of line 8 strike out the word "at" and insert the words "not to exceed."

Mr. COUSINS. I have not the slightest objection to the amendment.

Mr. FASSETT. I would like the gentleman to explain about cost and actual cost.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. EDWARDS of Georgia. I ask for a division.

The committee divided; and there were—ayes 16, noes 45.

Mr. HAMLIN. I move to strike out the last word, and would like to ask the chairman of the committee another question in regard to this item. There has been carried, it appears, in these bills covering this item \$30,000 each year. I notice in the last report that we have from the Secretary of State for the year 1908 there was only \$8,259.79 used for the purposes provided for in this paragraph. Now, supposing that that is an average, at least, of the expenses required under this item for each year, I would like to know the necessity of appropriating from year to year \$30,000 for this purpose.

Mr. COUSINS. The gentleman has the report for two years ago.

Mr. HAMLIN. I have the last report issued by the Secretary of State that is available to Members. I have the report for the year which closed June 30, 1908.

Mr. COUSINS. That was appropriated for in 1907.

Mr. HAMLIN. Yes; but it does not make any difference when it was appropriated. The point I make is that there was an appropriation of \$30,000, and only \$8,000 was used.

Mr. COUSINS. And every cent that was not needed reverted to the Treasury.

Mr. HAMLIN. Then, can the gentleman tell me—

Mr. COUSINS. And I wish to say, further, that there was an additional amount carried in one of the appropriation bills reported by the chairman of the Committee on Appropriations.

Mr. HAMLIN. Can the gentleman give us any reason why there will be \$30,000 needed for the next fiscal year for this purpose?

Mr. COUSINS. The only reason is the judgment of the Secretary of State; and if there is one penny more appropriated than is necessary, it will revert to the Treasury. You never can know a year in advance how much money will be required for the transportation of these officers, but you do know that every dollar of it must be audited and go through the Treasury Department.

Mr. HAMLIN. I for one am opposed to appropriating blindly a lot of money for any purpose.

Mr. NORRIS. I agree with the gentleman that we ought to be as economical as we can; but does not this idea suggest itself to the gentleman, that is it very uncertain as to how much we will use of this appropriation, because there might be some serious international difficulties that might make it necessary for the agents of the Government to do considerable traveling, and they would have to be paid out of this fund; and if we were holding the appropriation down to a too close figure, it might be impossible, without a violation of the law, for the Government to send its agents to different places that might be necessary?

Mr. HAMLIN. I recognize the fact that we can imagine a great many things which might arise; but it seems to me that to appropriate four times as much as has been used is stretching it a little.

Mr. NORRIS. But because it is appropriated that does not mean that the money is lost or unnecessarily expended.

Mr. HAMLIN. It is not lost, but you are tying it up unnecessarily. I do not think it ought to be done.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAMLIN. With pleasure.

Mr. MANN. Does the gentleman recall the fact that we have a new administration coming in, and that there will probably be a larger number of changes than in the fiscal year 1908?

Mr. HAMLIN. I confess, Mr. Chairman—

Mr. MANN. And that there might be changes made in many cases with profit.

Mr. HAMLIN. I had overlooked for the moment the fact that we are to have a new administration come in, and had overlooked the fact that the policy of that administration seems to be to increase all salaries and expenses.

Mr. COUSINS. No; there is no increase in this.

Mr. HAMLIN. I withdraw the pro forma amendment.

The Clerk read as follows:

EXPENSES UNDER THE NEUTRALITY ACT.

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President pursuant to the requirement of section 291 of the Revised Statutes, \$8,000, or so much thereof as may be necessary.

Mr. HAMLIN. Mr. Chairman, I should like to ask the chairman of the committee a question in relation to this. Can he inform the committee whether any of the \$8,000 appropriated last year and the year before has ever been used, or whether there has been any necessity for using it?

Mr. COUSINS. If it was not actually used, it reverted to the Treasury, as I have said in reference to other items.

Mr. HAMLIN. What is the purpose of this appropriation, may I ask?

Mr. COUSINS. The "neutrality act," so called, is the act of April 20, 1818, declaring the policy of the United States toward foreign governments and the rights of individuals within the United States with reference to foreign complications, including enlisting in or accepting commission in foreign service while in the United States, arming vessels against people at peace with the United States, or to cruise against citizens of the United States, compelling foreign vessels to depart, and so forth.

The expenses of the foregoing paid under provisions of section 291, Revised Statutes, were as follows: 1905, \$414.02; 1906, \$671.49; 1907, \$232.10.

Mr. HAMLIN. In 1908 there was no expenditure.

Mr. COUSINS. If there was no expenditure, then the money reverted to the Treasury.

Mr. HAMLIN. If there is no expenditure under this, what is the necessity of appropriating the money?

Mr. COUSINS. There was a time, near about the date of the Spanish war, when a vastly greater amount was needed. This is a sort of emergency fund; nobody can run away with it; it must revert to the Treasury if not properly expended.

Mr. HAMLIN. We can start them off with an opportunity to run away with it.

Mr. COUSINS. Oh, no; no one can get a penny of it improperly.

The Clerk read as follows:

REPAIRS TO LEGATION AND CONSULAR PREMISES.

To enable the Secretary of State to keep in repair the legation and consular premises owned by the Government of the United States and occupied by its agents, \$10,000.

Mr. FASSETT. Mr. Chairman, I would like to offer an amendment after the last paragraph.

The Clerk read as follows:

Insert after line 12, page 13, the following:

"Installation of water supply at Seoul: To enable the Secretary of State to install a water-supply system in the American consulate-general at Seoul, Korea, \$971.95."

Mr. COUSINS. Mr. Chairman, I will say for the information of the Committee of the Whole that this item has been acted upon by the Committee on Foreign Affairs. Items of cost have been fully set forth by the department in House document No. 1430, and it is really necessary that this provision should be inserted.

The amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL BUREAU OF AMERICAN REPUBLICS.

International Bureau of American Republics, \$54,000: *Provided*, That any moneys received from the other American republics for the support of the bureau, or from the sale of the bureau publications, shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the bureau: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 5,000 copies, for distribution by the bureau every month during the fiscal year ending June 30, 1910.

Mr. MANN. Mr. Chairman, I reserve a point of order. I wish to ask the gentleman about the item in reference to the International Prison Congress. Is \$10,000 all they asked for?

Mr. COUSINS. They asked for \$50,000, but the committee put it at \$10,000.

Mr. MANN. Does the gentleman think that is sufficient? As I remember, every time we have appropriated for expenses of our commissioners to the International Prison Congress, when it was abroad, we appropriated considerably more than \$10,000. I assume that it will cost more when the congress is held here, and we have to do something toward taking care of the delegates, than it did when the congress was held abroad. Is it expected that there is to be any other appropriation in some other bill on this subject?

Mr. COUSINS. I do not think that it is so expected. Some members of the committee thought that \$5,000 would be sufficient, inasmuch as we were to entertain them here at home, but the department asked for \$50,000.

Mr. MANN. That did not meet with the approval of the gentleman from Vermont [Mr. FOSTER], for I remember that he figured on the proposition that we should have \$25,000 to take care of the commissioners from two countries at an entertainment of some kind up on Lake Champlain.

Mr. PERKINS. But there was no appropriation for that amount.

Mr. MANN. No; the gentleman from Vermont said it should be \$25,000.

Mr. COUSINS. As to the Lake Champlain appropriation, I will be ominously silent on that subject. [Laughter.]

Mr. MANN. I thought I might get a rise from the gentleman from Vermont. [Laughter.]

Mr. COUSINS. I have a fellowfeeling for him because he is a member of the committee. We thought we could entertain this prison congress for \$10,000. I remember that the gentleman from Mississippi last year raised the question whether we should appropriate anything at all to maintain this institution.

Mr. MANN. I have raised that question several times myself in the House.

Mr. COUSINS. It happens that nearly forty years ago this House, or this Government, originated the idea of the prison congress. We are in a way obligated by reason of our history on the subject to carry out this proposition of the department, because we have invited these people, and the committee, after a good deal of discussion, concluded that we could entertain the delegates for \$10,000. If the gentleman from Illinois wishes to offer an amendment for a larger amount, I would be glad to test the sense of the Committee of the Whole.

Mr. PERKINS. Mr. Chairman, I regret to say that I shall have to raise a point of order against any such amendment.

Mr. MANN. I regret to say that my attention was distracted at the time we passed the item or I should have offered an amendment, which would not have been subject to a point of order, increasing the amount. If we are to entertain these gentlemen, we ought to do it with dignity.

Mr. PERKINS. That matter was carefully considered by the committee, and it was thought that for the purpose of entertaining the delegates here \$10,000 was amply sufficient. It was suggested by some interested in the cause that our Government should pay the expenses of delegates from the other countries who should go over the United States and view the prisons, inasmuch as the prison at Washington does not make this a special point for investigation. It did not seem to the committee that it was reasonable that the Government of the United States should pay the expenses of a large number of gentlemen interested in this subject traveling all over the land. We will entertain them here, but it did not seem right that we should take the money of the people of the United States to pay their traveling expenses for investigations.

Mr. MANN. When the gentleman says "travel all over the land," of course nobody would justify that.

Mr. PERKINS. Oh, no; but to go to various places where prisons are found, to go to places of special interest to those engaged in the study of criminal or prison statistics.

Mr. MANN. Here is an international prison congress, originated in this House, originated by this Government, which for the first time in its history meets in this country; and what do we propose to do? As Congress is not in session they can not show them Congress. Certainly they will not show them any prison in the District of Columbia, because there is no prison here that any gentleman would want to show to a foreign prison delegate with respect to himself or with respect to the delegate. What will they do? They ought to be able to show them the prisons in the district represented by the gentleman from Kansas, Fort Leavenworth—a credit to the United States. They ought to be able to show them some prisons that are a credit to the United States; but they will come here and go away, perhaps, after viewing the prison in Washington, with a feeling that the United States is so far behind on any kind of humanitarianism that they ought never to come back to this country.

Mr. PERKINS. I would like to ask the gentleman whether, when the delegates from this country have gone to other countries, the other countries have paid their expenses or whether our own Government has? I understand that we paid the expenses of those we sent abroad to investigate the question of prisons there, and I do not see why delegates coming here now should not do the same.

Mr. MANN. My information is that these delegates have been shown the prisons in foreign countries at the expense of the foreign countries, but that has gone by.

Mr. COUSINS. I think very likely out of this sum they could take them to Chicago and show them the institutions there that may be a credit to the Nation; and, furthermore, I want to suggest that there is no telling what may happen to this legislation in its travels after it leaves the House. Possibly it might be well for us to be a little conservative of the amount to start with.

Mr. MANN. Well, while I believe that the Senate is the greatest legislative body in the world, and occasionally crosses a "t" or dots an "i" with advantage, I hope that it will do it this time.

Mr. COUSINS. I hope, then, that if we are thrown down and forced to accept a larger amount, to have the able assistance of the gentleman from Illinois in the final test.

Mr. MANN. I believe that when you do a thing at all you ought to do it in a creditable manner. If you are entertaining guests, do not be stingy about it. If you do not want to invite guests, do not invite them. [Applause.]

Mr. COUSINS. I am very glad to hear that announcement, and I think it will help other provisions in the bill and in other bills. I quite agree with the gentleman, but the committee reached this conclusion.

Mr. MANN. Now, may I ask the gentleman in reference to the paragraph under discussion, which relates to the publication of the Bureau of the American Republics and which provides that the amounts received from the sale of the bureau publications shall be paid into the Treasury as a credit in addition to the appropriation? Does not the gentleman think that these indefinite appropriations of that sort, as a rule, are improper? Do not we appropriate enough money to publish the bulletin issued by this bureau?

Mr. COUSINS. Well, this is existing law and they are now issuing the most valuable bulletins that have ever been issued by the department, and I think the Members of the House realize that fact. I myself have received lately some of the most valuable publications that I have ever had, to be bound for my private library, and I am fully in accord with this appropriation, as I believe other Members are.

Mr. MANN. Nobody is objecting to that, but \$54,000 is appropriated. Now, it has been the constant practice of this

House to object to a provision covering money received from something of that sort back into an appropriation, and not covering it into the Treasury.

Mr. COUSINS. Well, the amount realized from the sale of publications last year was \$1,690.21.

Mr. MANN. I do not think they need it. I make the point of order on the words in line 17, page 15, "or from the sale of the bureau publications." That simply means they will be covered into the Treasury. We appropriate the money necessary to run the publications.

Mr. NORRIS. That would mean also that the appropriation would be cut down by whatever amount would otherwise come in by virtue of these sales.

Mr. MANN. They would lose this thousand dollars.

Mr. NORRIS. The appropriation is already too small for that particular item.

Mr. COUSINS. I hope the gentleman will not cripple the publication of these documents. It is a small matter. I doubt if it is subject to a point of order. It is existing law.

Mr. MANN. I beg the gentleman's pardon, but it is not existing law.

The CHAIRMAN. Just a moment. Let the Chair understand the objection made by the gentleman from Illinois. Is it to the words in line 17, beginning with the word "or" and ending with the word "publications?"

Mr. MANN. Yes.

The CHAIRMAN. The Chair will be glad to hear from the gentleman from Iowa.

Mr. COUSINS. Mr. Chairman, the only thing to say is that it has been existing law for many years. I suppose it went in originally on an appropriation bill, and I suppose this committee can deprive itself of the credit of nearly all legislation if it wants to by technical points of order.

The CHAIRMAN. The Chair would like to ask the gentleman from Iowa whether this is existing law in any statute outside of an appropriation bill?

Mr. COUSINS. I think not; I think it went in on an appropriation bill. I am going to be perfectly frank with the committee; but I want to say again that the committee can deprive itself of the credit of a great deal of good legislation if it chooses to do so.

Mr. FASSETT. Mr. Chairman, I would like to ask the gentleman from Illinois, if he insists upon his point of order and it goes out, whether it will not be well to increase the total amount from \$54,000 to \$55,600?

Mr. MANN. I have no objection.

Mr. FASSETT. That will make it then about as broad as it is long.

Mr. MANN. The House has always maintained the principle.

Mr. COUSINS. Well, if the point of order is insisted on, I will offer the amendment that the total—

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois.

Mr. COUSINS. Mr. Chairman, I offer this amendment: In line 14 strike out the word "fifty-four" and insert "fifty-six."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 14, strike out the word "fifty-four" and insert the word "fifty-six."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word. I want to say, Mr. Chairman, I was very much pleased to hear the chairman of this committee make the comment he did make upon the publications of this bureau. I have been looking into it somewhat recently, and it seems to me that several copies of these bulletins that were issued are of exceptional high grade and quality; and it does occur to me that there ought to be some steps taken by which quite a number of these publications could be given as a quota to Members of Congress for free distribution, or that some other method should be adopted by which some of these publications could be distributed without expense; and I would like to ask the chairman if his committee has given any consideration to that subject?

Mr. COUSINS. I will say to the gentleman that I recently had a letter from the director of the bureau inviting me to give the names of such persons as might wish to receive these publications, and I have not the slightest doubt that if the gentleman will address a communication to the director that he can have the publications to furnish such libraries in his district as he may desire.

Mr. NORRIS. But I judge the law provides, from this item in this bill, that these publications shall be sold, and I presume

that, comparatively speaking, a very small number of them could be given out free, and it is a publication that, as an educational medium on the subjects dealt with in the publication, can hardly be surpassed; and it ought to be, it seems to me, given for distribution. There are many people all over the country who do not know that such a thing is issued, who would be immensely interested if it could be brought to their attention.

Mr. COUSINS. Well, these publications are costly; they are illustrated—

Mr. NORRIS. Yes.

Mr. COUSINS (continuing). And the committee has been, as I have indicated, very conservative about expenses; and as I have said, I think the gentleman can get these for his libraries, where reference can be had to them.

Mr. NORRIS. Well, it may be that is true; but it occurred to me since they are published for sale that it would be like an ordinary magazine or newspaper that you could get only what would be given out as sample copies, and if all the Members of the House and Senate were to ask for a reasonable number—

Mr. MANN. If the gentleman will send his name and address, they will send the publication annually. What more can the gentleman ask?

Mr. COUSINS. Certainly; and it will be only a little while when we shall move into the premises provided by Mr. Carnegie, and then we hope our expenses will be curtailed.

Mr. MANN. And if everybody asked for them, they would have to increase the quantity published.

The Clerk read as follows:

INTERNATIONAL INSTITUTE OF AGRICULTURE.

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1909, \$4,800.

Mr. COUSINS. Mr. Chairman, I offer the following amendment:

Page 16, line 13, strike out the word "nine" and insert the word "ten."

So as to read:

Calendar year 1910.

It is a clerical error in the print.

The Clerk read as follows:

Page 16, line 13, strike out the word "nine" and insert the word "ten."

The question was taken, and the amendment was agreed to.

Mr. MANN. I move to strike out the last word. If anyone in the House is able to give any excuse whatever for this appropriation I wish somebody would do it. The idea of our contributing to maintain an agricultural institute in Rome, when we are the agricultural nation of the world, is to my mind the most ridiculous proposition that I have ever heard submitted. It is not in the interests of agriculture; it is for a particular individual.

Mr. COUSINS. We have agreed to this by international convention, the most solemn obligation that we have; and we have cut down the amount of the estimate from \$14,000 to \$4,000.

Mr. NORRIS. Will the gentleman explain what this institute is for?

Mr. COUSINS. It is to consider agriculture in all its phases.

Mr. NORRIS. When was the international agreement made in regard to it?

Mr. COUSINS. It was signed at Rome, June 7, 1905.

Mr. NORRIS. Do we get reports from this institute?

Mr. COUSINS. Yes; the Department of Agriculture gets reports.

Mr. NORRIS. Have they been of any practical benefit to our people?

Mr. COUSINS. Probably no nation in the world can help us very much on agriculture, but it helps in international amity.

Mr. MANN. Then this contribution is not to agriculture, but to amity?

Mr. COUSINS. There are many things that we gain by international amity.

Mr. MANN. Has the gentleman ever heard of a report being made?

Mr. COUSINS. I dare say that the conventions that are held between the nations of the earth are of vastly greater importance to the United States than to other governments.

Mr. MANN. The gentleman speaks of convention. This is a private snap over in Rome.

Mr. COUSINS. Not at all.

Mr. MANN. Certainly.

Mr. COUSINS. It is an international convention between us and eight other nations.

Mr. MANN. It is a private snap over in Rome. I know what it is.

Mr. WILLIAMS. I move to strike out the last word.

Mr. COUSINS. Why, the gentleman calls it a private snap. Our representative gets no salary whatever. The conventions are carried on by our representatives over there.

Mr. NORRIS. Is the institute always held in the same place?

Mr. COUSINS. Yes.

Mr. WILLIAMS. I believe I have the floor. I wish to ask the gentleman a question. Have you any idea how long these various international congresses and institutes are going to be continued? We have a dozen international institutes and congresses. We have the Institute of Agriculture, the International Railway Congress, the International Prison Commission, and all these various things. Is there any idea to make them permanent, or what do they expect to do with them?

Mr. COUSINS. I remember the gentleman asked the question as to the prison congress last session. I told him then that we should investigate the subject, and in all probability we will get rid of that at the next session. But this year it happened to be the fact that we have invited these nations to participate in a meeting which we ourselves originated.

Mr. WILLIAMS. I see the force of that.

Mr. COUSINS. I can not answer as to how long this international agricultural convention will be held.

Mr. WILLIAMS. It seems to me it would be very bad policy to encourage the existence of a lot of permanent international institutions and congresses of this sort.

Mr. COUSINS. Let me say to the gentleman that this year the State Department had invitations for 48 various conventions or congresses and recommended only four. The department has been very conservative in that matter; and, as I said before, the Department of State believes that these international meetings and conventions are of very great good to the country in many ways.

Mr. COLE. I want to say just a word in relation to this international institute of agriculture. About two years ago there was a conference in Rome on the subject of agriculture. Many nations were represented. The authorities in Italy agreed to and did build a very fine building as a permanent home for this institute. They expended \$400,000 in the construction of this building, and each nation is supposed to keep a delegate there, a personal representative.

The purpose of this agricultural institute, as I understand it, is to afford a sort of clearing house for all agricultural information throughout the world. At the present time we have a great many agricultural agents seeking information, making investigations throughout the world. Instead of sending out all those agents to all the various nations of the earth, each nation gathers its information, sends it to this headquarters, and from there as a central point it is disseminated throughout the world, and the United States at the present time receives regular reports from this international court.

And instead of sending special agents out, costing the United States Government tremendous sums of money, we have there a clearing house where all this information can be gathered for a very moderate price.

Mr. YOUNG. Does this institution issue a report, and if so, how is it distributed, and how many come to the United States, and how are they distributed here?

Mr. COLE. I am not familiar with the details of the working of this institute, but, as I understand it, their information is transmitted to the Agricultural Department of the United States, and it is disseminated in the same manner that all other information is disseminated by that department.

Mr. YOUNG. Is it issued by the Department of Agriculture as a special report?

Mr. COLE. I am not familiar with that. In fact, it is merely in its incipiency. Our agent has only been there for about a year and a half or two years, and its practical operation is not perhaps yet perfect, but I think it has within it elements of great value to the agricultural interests, not only of this Nation, but of the civilized world.

Mr. COUSINS. I think it ought to be said in this connection, referring to the remarks of the gentleman from Mississippi [Mr. WILLIAMS] as to the International Railway Congress, that only a year and a half ago probably the most significant evidence furnished to the Senate was by a gentleman from Great Britain, giving the details of their system of railways and railway management. That is published in the documents which you all receive, an outgrowth of this International Railway Convention.

Mr. MANN. Mr. Chairman, the gentleman from Iowa is not to be criticised because he is not familiar with this item or

with the work done by the item, and no gentleman in the House is subject to criticism for lack of knowledge of the subject. The gentleman from Iowa seemed to assume that this item was for a convention. He stated that it was to pay the expenses of a convention. Now, there was no convention held last year, there is no convention held this year, there will be no convention held next year, but the item is just the same. It is not for a convention at all.

Mr. COUSINS. The gentleman must not put me in that attitude. My statement was that it is a permanent institution.

Mr. MANN. Well, the gentleman may revise his remarks as he pleases. I do not care what he says.

Mr. COUSINS. I have no need to revise my remarks.

Mr. MANN. That is all right. I am perfectly willing; but what the gentleman said was that it was to pay the expenses of a convention.

Mr. COUSINS. Oh, no. Now let us understand each other. What I said was that it was created by a convention. This appropriation is not for any special meeting. It is for a permanent institution that was created by an international convention.

Mr. MANN. Some distinguished gentleman of Rome conceived the notion of having an agricultural institute in Rome which he would head, and he went so far that he persuaded a number of nations to agree to that.

Mr. COUSINS. It was a Californian who originated the idea, and the gentleman from Illinois should know that most of the distinguished men of Rome have been dead for a good many years. [Laughter.]

Mr. MANN. And it would be better for the world, probably, if this one were with his fathers. It certainly would be better for our Treasury. This agricultural institute is a pure fake. It does no good for anybody except those who draw the money. It has no standing with the Agricultural Department here. It issues no reports of value to anyone. It is a pure and simple private snap.

Mr. COLE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COLE. I wish to state that this proposition is indorsed by the Agricultural Department here, and was indorsed by the agent of the Agricultural Department before the Committee on Agriculture not more than six weeks ago.

Mr. MANN. Oh, I have no doubt of that. I do not deny that statement. I said it had no standing with the Agricultural Department here. Of course, the man who represents the Government over there, drawing this salary, is for the item, and will continue to be.

Mr. WILLIAMS. How much is paid in salaries for this agricultural institute by the United States Government?

Mr. COUSINS. There is no officer that draws a salary under this appropriation.

Mr. MANN. There is not? What is that money used for?

Mr. COUSINS. It is purely for clerical work, in collecting and disseminating information.

Mr. MANN. Who represents the United States at this institute?

Mr. COUSINS. Our representative at Rome.

Mr. MANN. The gentleman from Iowa and the gentleman from Ohio ought not to have their wires crossed. The gentleman from Ohio just said that we had a representative there who is paid out of this appropriation.

Mr. COLE. I did state that we had a representative there—

Mr. MANN. And the gentleman was correct.

Mr. COLE. We have a representative there, but he is not drawing a salary, aside from what he receives as the regular compensation as an agent of the Agricultural Department.

Mr. WILLIAMS. Does anybody know to whom and for what this money is paid? I will ask the gentleman from Ohio or the gentleman from Iowa.

Mr. COUSINS. I said that this is purely for clerical work. Mr. David Lubin does not draw a cent of salary out of this appropriation.

Mr. MANN. I will tell the gentleman what this is for; neither the gentleman from Iowa nor the gentleman from Ohio seems to know what it is for. The money is to maintain and pay the expenses of a part of a building for the benefit of somebody else. A little of it may go for clerical services, but they have a large building there, and this is to pay the running expenses of that building. What is the building for? You might as well have a building at the bottom of the Pacific Ocean as far as any good to this country is concerned.

Mr. COUSINS. Of course the gentleman from Illinois knows more about it than anybody else in the world, when he says that we receive no benefit from it.

Mr. MANN. I may not know more about it than anybody else in the world, but I am willing to put my knowledge against that of the distinguished gentleman from Iowa.

Mr. COUSINS. I think the gentleman knows more about every subject than anybody else in the world. [Laughter.]

Mr. MANN. I am still willing to put my knowledge against that of the gentleman from Iowa.

Mr. HAMLIN. Mr. Chairman, I would like to ask the gentleman if he can give us the name of our representative at this institute at this time?

Mr. COUSINS. David Lubin.

Mr. HAMLIN. Does he make any pretense toward any special knowledge of agriculture?

Mr. COUSINS. I do not know what is in his mind or what his abilities are.

Mr. HAMLIN. Can the gentleman give us any idea how this institute benefits the farmers of America?

Mr. COUSINS. As I said a while ago, I believe every international convention and all international congresses are a benefit to our country. They bring the nations closer together; it helps us in our commerce; it helps us in matters of amity; and there is no doubt, in my judgment, that every time they meet together all conditions are improved.

Mr. HAMLIN. I would like to ask one more question. What authority appointed this man Lubin as our representative?

Mr. COUSINS. The President is authorized by the treaty to make the appointment.

Mr. HOWARD. Mr. Chairman, this provision did not originate with the Committee on Foreign Affairs. It is the result of a convention, technically so—more plainly stated, a treaty—introduced by and between the Government of Italy and the President of the United States and ratified by the Senate of the United States.

This convention imposed certain obligations on the Government of the United States, and it is in pursuance of that obligation, which has the binding effect of law, that the Committee on Foreign Affairs made this appropriation. The history of it is set out, and if the gentleman will permit me, I will read it:

INTERNATIONAL INSTITUTE OF AGRICULTURE AT ROME.

This institute was created by an international convention signed at Rome on June 7, 1905, to which the United States is a signatory government. The convention was approved by the Senate on June 27, 1906, was ratified by the President on July 7, 1906, and was proclaimed by the President on July 29, 1908.

Under this convention the United States is required to pay annually the sum of \$4,800 as its share of the expenses of the institute. Connected with the institute is a permanent commission and a general assembly, membership and representation in which require an additional estimated appropriation of \$8,600, making \$13,400. The convention makes no provision for withdrawal therefrom.

The institute has been too recently established to afford an idea of its practical benefits and results. It is primarily of interest to the Department of Agriculture.

Now, then, we appropriate in this bill for the proportional part for the United States of all the expenses.

Mr. HAMLIN. I understand it is not a question whether we want to make the appropriation, but by virtue of the treaty we are compelled to make it.

Mr. HOWARD. We are, unless the treaty is denounced and withdrawn from by the United States.

Mr. HAMLIN. Then there is no use in arguing the matter any further. I think we ought to withdraw from it, but if we have not withdrawn we must make the appropriation.

Mr. HOWARD. The Department of State in the estimate requested an additional \$8,000 for the purpose of enlarging, in a measure, the participation of the United States in this institution. This committee declined, and refused to incorporate one dollar of that additional increase in this bill, and limited the appropriation to only the exact amount required under the treaty.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SCOTT. Mr. Chairman, it might perhaps be of some interest to the gentleman from Missouri [Mr. HAMLIN] and to others whose attention has been directed to this matter to know that the Committee on Agriculture inquired into it in connection with the hearings had by that committee in preparing its appropriation bill. The hearing was taken up in connection with the remarks made by Doctor Clark, Assistant Chief of the Bureau of Statistics in the Department of Agriculture, who was a delegate to the institute in Rome last summer, and inquiry was made of him as to the practical value of the work being done by the institute. His reply was that that work was regarded by agricultural experts all over the world as being of very considerable value, that the function of the institute was to afford a sort of clearing house for agricultural information throughout the world, and that the information accumulated

by that institute and distributed around among various governments through their agricultural departments was of actual practical benefit and value.

Mr. RUCKER. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. RUCKER. Does the gentleman know of any benefit the United States has received from that institute?

Mr. SCOTT. I think the gentleman from Missouri [Mr. RUCKER], in questioning Doctor Clark, brought out the suggestion pretty strongly that the United States was giving more than it was receiving through this institute, and yet I think Doctor Clark rather insisted that while at present we may perhaps be contributing more than we gain, still there is a chance that now and then some matter of information may come to us which will be in the nature of news, and may have some real value to us.

Mr. RUCKER. Is it not also true that there is a chance, a strong probability, that if we carry on this nonsensical work over there we will impart to other nations a thousandfold more than we receive?

Mr. SCOTT. That is entirely probable, but I do not see that there is any objection to that. We are living in an altruistic age, and it ought not to be a condemnation of a proposition that as a result of it we give to others more than we obtain from them.

Mr. RUCKER. Does not the gentleman from Kansas believe that this country, the greatest agricultural country in the world, expending ten or twelve million dollars every year in the interests of agriculture, ought not to give the benefit of our researches and our discoveries to nations which compete with the American farmer in the sale of products?

Mr. SCOTT. I would hardly take that view of it. I think that our situation, agriculturally, is so different from that of any other country that any little advantage which they might obtain through acquaintance with information which we have developed here will not bring us any harm.

Mr. RUCKER. Let me ask the gentleman, Did not Doctor Clark also suggest—without undertaking to quote his language—that each representative there refrained from imparting more than he had to; that each sought to get as much from others as possible, in order to derive a benefit; and did not he state that we had infinitely more to impart in respect to the modern methods of agriculture than any other nation on earth?

Mr. SCOTT. I did not get the impression that there was any disposition on the part of representatives of other nations to withhold information which they might have and draw from us all they could get.

Mr. RUCKER. Did the gentleman get the intimation that other nations had any information that would be beneficial to us?

Mr. SCOTT. I fear I have not time to answer that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. I ask that his time be extended two minutes. There was no objection.

Mr. HAMLIN. Mr. Chairman, I am confident that there is no better source of information than the chairman of the great Agricultural Committee of this House on this proposition.

Mr. SCOTT. The gentleman does me great honor.

Mr. HAMLIN. I want to ask if he has ever seen any report that has been issued by the Italian institute that would give any information to the farmers whatever?

Mr. SCOTT. I have not seen any such report, but the fact that I have not seen it does not argue that such a report may not have been made. My understanding is that whatever reports do issue from this institute go to the departments of agriculture of the various countries, and the results are used by the officials in those departments.

Mr. HAMLIN. Does the gentleman understand that it is the purpose to issue reports touching on subjects appertaining to agriculture?

Mr. SCOTT. That is my understanding.

Mr. HAMLIN. But the gentleman does not know of any having been issued?

Mr. SCOTT. I do not know personally of any individual reports.

Mr. HAMLIN. Is it a question of theoretic farming, or what is it over there anyway? There are no experimental farms or anything of that kind used in connection with it?

Mr. SCOTT. Oh, not in connection with this institute. All the governments of Europe are spending a greater or smaller sum of money to get information in order to promote agriculture in their respective countries, and in connection with the expenditure of that money naturally they develop information, methods of tillage, breeding of seeds, or things of that sort that are of interest to our people, and it is the expectation that when-

ever anything is developed of special interest so as perhaps to make it important to be known by any other country it will be reported to that country through that institute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. I ask that the gentleman's time be extended in order to answer a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD. Is it not true that the United States Department of Agriculture has been making extensive experiments in the matter of the production of what is called "macaroni" wheat?

Mr. SCOTT. Macaroni wheat was introduced into the United States through the Department of Agriculture several years ago, but the department is no longer conducting experiments in connection with it for the reason that the industry seems to be thoroughly established, inasmuch as we produced last year about 50,000,000 bushels of macaroni wheat.

Mr. HOWARD. Is it not a fact that information with respect to the production and adaptation of macaroni wheat to certain sections of our country was aided by this very institution at Rome?

Mr. SCOTT. I have no doubt that has been the fact.

Mr. MANN. What makes the gentleman believe it?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GAINES of Tennessee. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GAINES of Tennessee. I want to get some information about this matter over in Rome or somewhere, and I move to strike out the last word. Mr. Chairman, I have listened some little while to get the information that I still would like to get. What good is this institution doing the people of the United States? Where is the return for the investment that we are making? My friend from Georgia has clearly elucidated the matter to the extent of saying that a treaty—which is a law and no higher dignity than a statute—has been made that calls for the making of an appropriation to carry it on.

Mr. COUSINS. I would ask that the Clerk read from the provisions of the treaty.

Mr. GAINES of Tennessee. Will the gentleman state what it is? If not, then I ask unanimous consent that it be read, but not in my time.

The Clerk read as follows:

ARTICLE 9.

The Institute, confining its operations within an international sphere, shall—

(a) Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, both vegetable and animal products, the commerce in agricultural products, and the prices prevailing in the various markets;

(b) Communicate to parties interested, also as promptly as possible, all the information just referred to;

(c) Indicate the wages paid for farm work;

(d) Make known the new diseases of vegetables which may appear in any part of the world, showing the territories infected, the progress of the disease, and, if possible, the remedies which are effective in combating them;

(e) Study questions concerning agricultural cooperation, insurance, and credit in all their aspects; collect and publish information which might be useful in the various countries in the organization of works connected with agricultural cooperation, insurance, and credit;

(f) Submit to the approval of the governments, if there is occasion for it, measures for the protection of the common interests of farmers and for the improvement of their condition, after having utilized all the necessary sources of information, such as the wishes expressed by international or other agricultural congresses or congresses of sciences applied to agriculture, agricultural societies, academies, learned bodies, etc.

All questions concerning the economic interests, the legislation, and the administration of a particular nation shall be excluded from the consideration of the institute.

Mr. GAINES of Tennessee. Mr. Chairman, we have heard article 9 read, and I now have a copy in my hand. I should like to know from the committee reporting the bill, if any of this work that this institution has referred to it has been done?

I am trying to get at the result of it; I am trying to find out what we are getting for our money. I understand that we started out on a large scale to collect everything on the other side of the world, and compile all that is fit to be gathered and compiled, and send it over here for our information. Now, what has been gathered, and what has been published?

Mr. COUSINS. If the gentleman will go to the Department of Agriculture he will find everything—

Mr. GAINES of Tennessee. Has the gentleman been there?

Mr. COUSINS. I have probably distributed a good many thousand copies of the bulletins that copy from these reports.

Mr. GAINES of Tennessee. Will the gentleman tell me one thing new that has been sent here that the gentleman has distributed?

Mr. COUSINS. Oh, I have not learned them by heart, but I suppose I have distributed a good many thousands of them that contain copies from the articles that have been sent to our Department of Agriculture.

Mr. GAINES of Tennessee. Mr. Chairman, I have distributed everything that that great friend of the farmer, Secretary Wilson, has had to pass through his department that has gone to my credit, and I think I have an intelligent constituency, as much so as any other man in the United States, and I have never heard of a scientist, I have never heard of the real farmer, I have never heard of a stump speaker, I have never heard of a preacher, I have never heard of a country doctor, I have never heard of a banker, I have never heard of a presiding elder in my whole district who ever got any information from Rome about how to farm.

Mr. COUSINS. In view of the action of the gentleman's constituency at the last election, I can not quite agree with him in his statement as to the intelligence of his constituency.

Mr. GAINES of Tennessee. I stood up in front of my enemy and I did not turn tail and run in that campaign, like the gentleman did. [Laughter and applause.]

I stayed at my post, and because I did I was assassinated by the tobacco trust, the powder trust, and the other people that I have fought like a man, when the gentleman was absent from his post. I make no apologies for my defeat. I am proud of having such enemies; they may be your friends.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I move to strike out the paragraph for the purpose of getting this matter before the committee; and one way to get rid of it is to strike out the appropriation.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The first amendment offered by the gentleman was to strike out the last word of the paragraph. He now offers an amendment to strike out the paragraph. By unanimous consent this second amendment will be entertained by the Chair.

Mr. FASSETT. I object.

Mr. GAINES of Tennessee. Who objected, the gentleman from New York?

Mr. WILLIAMS. A parliamentary inquiry. Is the motion of the gentleman from Tennessee still before the House?

The CHAIRMAN. The motion of the gentleman to strike out the last word is still before the House.

Mr. WILLIAMS. Is the motion to strike out the paragraph before the House?

The CHAIRMAN. It is not.

Mr. WILLIAMS. I desired to be heard if it were.

Mr. HARRISON. Mr. Chairman, I desire to be heard on the pro forma amendment for a few moments. The debate we have just heard about the agricultural institution at Rome is very illuminating to all the Members of the House. It illustrates very clearly some of the difficulties under which the Committee on Foreign Affairs is laboring in attempting to prepare its annual appropriation bill. The Department of State seems to feel that the Committee on Foreign Affairs and the membership of this House are not to be trusted too far in investigating our international relations. The time was when the House of Representatives constituted practically the Committee on Foreign Affairs and the Congress managed the foreign affairs of our country.

For one, I wish that those days were here now. The present Department of State has not given us sufficient information to enable us to explain fully upon the floor of the House all of the items in this bill in which Members are interested. We called before the committee the Assistant Secretary of State, now serving as Secretary of State, and particularly requested that he should inform us specifically, item by item, the purpose of each one of these appropriations for international bureaus; the purpose for which money had been already expended, and the bases of authority under which we are now asked to appropriate money. But the Secretary did not give us information as to all of these items. There are some 16 or 17 which were originally recommended by the Department of State. As to two of these, by independent investigation the committee discovered that there was no convention or no treaty authorizing the appropriation, and no law requiring the appropriation, and as to these two items the appropriations went out on a point of order in the committee; but as to the remaining 14 or 15 international bureaus and institutions of one sort and another, we had printed the testimony of the Secretary of State. The gentleman from Georgia [Mr. HOWARD] has just read to the House the testimony of the Secretary of State covering this International Institute of Agriculture at Rome. It does not explain, and from

the context we can not explain exactly for what purpose this appropriation was used last year in Rome. All we can tell you is what the Secretary told us in the Committee on Foreign Affairs, and I am sorry to say the information is not as full as we should have hoped it to be. I, as a member of the committee, even though only a minority member, could wish that the Department of State would not hold us at arm's length, but would show more confidence in the membership of the committee and the membership of this House. Now, I for one am opposed to the establishment of all these international bureaus, but the House of Representatives is not responsible. It is done by treaty, ratified by the Senate in all these cases, and we are called upon under the terms of those treaties to appropriate the money to carry out all these conventions. Therefore, as a member of this committee, I feel that I am obliged to vote in committee and on the floor of the House for the item which the bill carries. But I regret, as a member of the committee, that we can not furnish the House with more complete information, and I have just informed the House why we are unable to do so.

Mr. DENBY. Mr. Chairman, I wish, in replying to the gentleman from New York, to say that although in my work with him on the committee I have noticed and admired the zeal with which he does seek to secure information and the skill and ability with which he conducts himself on the floor, I must say that I can not agree with him in his references to the Department of State.

I can not feel that the Committee on Foreign Affairs deal at arm's length, or in any other way, except sympathetically, with the Department of State; and certainly since I have been a Member of this body I have never seen a tendency on the part of the Department of State to decline to furnish any information at any time that has been asked for by the Committee on Foreign Affairs or by any member thereof. If we have not informed ourselves concerning these items, it is our own fault, and I am very glad for one to take my share of the blame. I can not feel it right to pass it on to Mr. Elihu Root, the Secretary of State, or the other members of the Department of State. I have never addressed a request to the department that has not been at once honored with as full information as they could give, and I am quite confident that such has been the experience of every member of the committee, I hope not excepting the gentleman from New York [Mr. HARRISON].

I think it only right that this statement should be made as coming from one member of the Committee on Foreign Affairs at least; and in saying this I feel confident that I voice the sentiments—I was going to say of all the other members of the committee, and I think I may indeed say all but a very few of the other members of the committee. And in saying that also I would like to add that I know of no committee that has more harmony between the two sides of the House, the two parties, than the Committee on Foreign Affairs, where the Democratic and Republican members work together in absolute sympathy, as they should, peculiarly in relation to the matters over which this committee has jurisdiction.

Mr. PERKINS. I agree with my friend from Michigan [Mr. DENBY] and must somewhat disagree with my friend from New York [Mr. HARRISON] in reference to the information obtained from the Department of State. I think the gentleman from New York is right perhaps in his suggestion that there may be some ancient items in this bill, in reference to provisions of treaties made long ago, which might profitably be investigated; but if there has been any lack of investigation, I think it has been rather the lack of the committee in asking information than any refusal to furnish information.

The gentleman referred to the provision in reference to this convention or agricultural college in Rome, by whatever name it is properly called, which item has brought about this debate. Now, there was no full information in reference to that furnished by the Secretary of State, but certainly there can be no charge made of any unwillingness on the part of the department to furnish all it knows. This appropriation is of such a peculiar character, its utility is so uncertain, as is shown by the debate we have had here to-day, that if the Department of State could not furnish full information as to its usefulness, it is quite apparent that the entire House of Representatives is at some trouble to ascertain satisfactorily whether or not there is any utility to be found in it. That the department was unable to furnish us information which nobody is able to furnish us certainly is no cause of surprise, and certainly is no cause of criticism.

Mr. HARRISON. My colleague was present at the committee meeting in which we pointed out to the Assistant Secretary of State the fact that there were a great many of these international bureaus and institutions for which we were asked to ap-

propriate, and at which we asked the Assistant Secretary of State to give us as full a statement as possible for each one of these appropriations.

Now, the gentleman heard the gentleman from Georgia [Mr. HOWARD] read on the floor here a few moments ago the statement of the Assistant Secretary of State as to the necessity of this appropriation, but it did not satisfy the House, and I, for one, am free to say it did not satisfy me.

Mr. PERKINS. In reference to that, I can say, Mr. Chairman, that I think some of these items run so far into the past, have become so rusty from the course of years, that I doubt if in the State Department or anywhere else any satisfactory information can be found; but that is not the fault of the State Department, it seems to me.

Mr. HARRISON. The gentleman's criticism certainly does not apply to this item, because this is only about two years old.

Mr. PERKINS. No; this, though new, is still obscure.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn.

The Clerk read, as follows:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto, between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, and draftsmen as are necessary to reduce field notes, \$100,000, to be immediately available, together with the unexpended balance of the previous appropriation for this object.

Mr. MACON. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill a question. I notice in this paragraph that you appropriate \$100,000 to enable the Secretary of State to mark the boundaries and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada.

Mr. COUSINS. For the next fiscal year.

Mr. MACON. And you appropriate \$75,000 for the present fiscal year. Was this \$75,000 used?

Mr. COUSINS. Most of it. They are providing this year for a more extensive survey and demarcation than for several years. It must be remembered that this work can be carried on only about six months in the year. They have made very extensive preparations with reference to the proposed work for the coming year.

Mr. MACON. How many years has this provision been carried in the bill?

Mr. COUSINS. About six years.

Mr. MACON. What is the amount appropriated heretofore?

Mr. COUSINS. Four hundred and fifteen thousand dollars, all told.

Mr. MACON. About how long does the gentleman think it will take to establish this boundary line?

Mr. COUSINS. The estimate is from eight to nine years.

Mr. MACON. Pretty expensive proposition, is it not?

Mr. COUSINS. Yes; because it is very difficult work.

Mr. MACON. Mr. Chairman, I withdraw the pro forma amendment.

Mr. HAMLIN. Will the gentleman from Iowa permit a question? I understood in another part of the consideration of this bill that in all these items any unexpended balance reverted automatically to the Treasury.

Mr. COUSINS. Except in continuing appropriations, such as for international surveys.

Mr. HAMLIN. That is the point I want to raise. I see at the end of the fiscal year 1908 there was an available balance of this fund of \$106,797.39, and then you appropriate \$75,000 more.

Mr. COUSINS. No; since that report, the most of that \$106,000 has been spent.

Mr. HAMLIN. The gentleman did not catch my question. Since the available balance, you appropriate \$75,000 more, which would make about \$181,000, and now you propose to appropriate a hundred thousand dollars more.

Mr. COUSINS. I say that the available balance has been nearly all spent. They are already getting the parties together, horses and all manner of equipment, on the Pacific coast, ready to start as early as they can.

Mr. HAMLIN. When did they spend this \$100,000?

Mr. COUSINS. Since the preparation of the report which the gentleman holds in his hand, and principally, I think, during the last three months.

The Clerk read as follows:

The judicial authority and jurisdiction in civil and criminal cases now vested in and reserved to the consul-general of the United States at Shanghai, China, by the act of June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," shall, subsequent to June 30, 1909, be vested in and exercised by a vice-consul-general of the United States to be designated from time to time by the Secretary of State, and the consul-general at Shanghai shall thereafter be relieved of his judicial functions.

Mr. MACON. Mr. Chairman, I make a point of order against the provision just read. I want some information concerning this change. I understand that the consul-general insists that the work is too heavy for him.

Mr. COUSINS. Yes; his time is needed for the transaction of business that belongs to the office. This merely gives authority to the vice-consul-general to try these cases.

Mr. MACON. Without any additional compensation?

Mr. COUSINS. Yes.

Mr. DENBY. The Secretary of State is authorized to designate the person who shall discharge the duties that are now discharged by the consul-general. I have a statement here showing the vast amount of minor judicial work which has been heretofore and is now imposed on the consul-general, and which interferes with the discharge of the more important functions of his office. I do not think it necessary to read the report of the number of cases. I assure the gentleman that it is absolutely essential that he be relieved of this work.

Mr. MACON. If there is to be no extra expense, no extra office created, I can not see why the responsibility for this class of work should not be shifted from the consul-general to the deputy.

Mr. DENBY. There is no extra expense.

Mr. MACON. I withdraw the point of order.

The Clerk read as follows:

INTERNATIONAL OFFICE OF PUBLIC HEALTH.

For the payment of the quota of the United States for the year 1909 toward the support of the international office of public health, created by the international arrangement signed at Rome December 9, 1907, in pursuance of article 181 of the international sanitary convention signed at Paris on December 3, 1903, \$3,000.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman from Iowa whether he remembers the provisions of the treaty upon which this appropriation is based? Is that an indefinite and permanent provision? Has that to go on forever, or does the treaty itself fix any period of expiration?

Mr. COUSINS. I have the treaty here. It is quite lengthy.

Mr. WILLIAMS. Does the gentleman remember that particular point, as to whether it is indefinite?

Mr. COUSINS. It is indefinite.

Mr. WILLIAMS. It does not expire by its own limitation?

Mr. COUSINS. No; it does not.

Mr. WILLIAMS. Does not the gentleman think it would be well to suggest to the State Department to give notice of its termination? Of course I believe that as long as we have a treaty and we have undertaken to pay our share, the only decent way of seeking to pay our share is to put an end to the treaty. Does not the gentleman think it would be well to give notice in this case? This has been going on now since 1881, has it not?

Mr. COUSINS. No; this is new, 1903, and this is the first appropriation.

Mr. WILLIAMS. Oh, this is the first appropriation?

Mr. COUSINS. Yes.

The Clerk read as follows:

PURCHASE OF PROPERTY FOR LEGATION PURPOSES AT TOKYO, JAPAN.

Purchase of residence erected by Mr. R. S. Miller, Japanese secretary to the embassy at Tokyo, at his own expense, on ground held by the United States in perpetual lease for legation purposes in Tokyo, \$3,267.

Mr. MACON. Mr. Chairman, I reserve the point of order against that provision.

Mr. COUSINS. Mr. Chairman, I will simply offer in explanation of this the statement of Mr. Secretary Root, and then I will yield to the gentleman from Michigan [Mr. DENBY], who has further data upon the subject. The Secretary had this to say:

For the purchase of the residence erected by R. S. Miller, Japanese secretary to the embassy at Tokyo, at his own expense, on ground held by the United States in perpetual lease for legation purposes in Tokyo, the appropriation of the very moderate sum of \$3,267 is requested. This would add to the embassy property at Tokyo a good modern house as a permanent residence for the Japanese secretary adjacent to the houses of the ambassador and of the secretary of embassy, which have long been owned by the Government. The house could not be duplicated to-day at the sum named.

This recommendation was first made by me on January 23, 1906, and was repeated last year. My conviction that this is an entirely just and proper request constrains me again to ask its favorable consideration. The particulars with reference to this item may be found in House Document No. 432, Fifty-ninth Congress, first session.

In considering the question as affecting the present Japanese secretary, it is only fair to recall that when he entered upon his present duties some twelve years ago, among the buildings comprising the present embassy premises there was a dwelling for the Japanese secretary, which, however, was later on condemned and torn down; and also that the present building was erected on government property with the permission of the then minister and mainly by reason of his desire, for reasons of official business, to have the Japanese secretary live conveniently near.

I had a conversation with the consul-general at Yokohama recently, in which he said that he had seen this building and that

it could not be reproduced now for less than \$4,000. These are the facts in the case, and probably it is a very good investment. We now own nine of our buildings abroad, and this will make ten.

Mr. MACON. Mr. Chairman, if this matter stood alone, perhaps it might be a fairly good investment for the Government at this particular time. I am not going to question the gentleman's statement as to its probable cost if it were to be constructed now; but I do not think there is any warrant of law for carrying this appropriation upon this appropriation bill; that it is unauthorized by existing law, and if it were permitted to remain in the bill, when a point of order might be made against it, we would have each year some new amendments providing for the construction of this or that building here or there, a magnificent structure in London, one at Paris, one perhaps in the City of Mexico, one at Berlin, and so on, and there is no telling where it would stop. I do not believe in establishing such a precedent, and for that reason I must insist upon the point of order, believing that it is my duty to do so.

Mr. DENBY. Will the gentleman withhold his point of order for a few moments until I can offer further explanation?

Mr. MACON. Yes.

Mr. DENBY. The gentleman's objection seems to be that this might establish a bad precedent, and that upon other legation property in other countries similar houses might be erected, and then Congress would be called upon to purchase them. As a matter of fact, that is not possible. We own only three legation sites in all the world. In fact, we do not own this site.

Mr. MACON. No; this is under a lease.

Mr. DENBY. Yes; but it is practically owned by the United States Government. The circumstances surrounding the construction of this house were very peculiar. Mr. Miller was the Japanese secretary of the legation as it then was and lived in a residence which, as the chairman has stated, became uninhabitable. Just before the outbreak of the Russo-Japanese war it became peculiarly necessary that Mr. Miller should be close to the ambassador and ready with his advice and his skill in the interpretation of languages at all hours of the day and night. There was no room in the house of the minister or ambassador at that time.

There was no house convenient near at hand, and so Mr. Miller asked the minister if he might be authorized to put up the house at his own expense on the legation grounds, which were very extensive. The minister recommended to the Secretary of State that he be given that authority, and the Secretary of State gave that authority to him to erect a house at his own expense. I would say that Mr. Miller, while one of the most valuable men in the foreign service of the United States, and practically the backbone of the embassy at Tokyo, is a very poor man. He had to borrow the money with which to erect this house. He borrowed it at a high rate of interest, and is now paying a high rate of interest on the loan. The house cost him 6,535 yen. We are not asking the Government to reimburse him for interest or any incidental expenses or any appreciation in the value of the house, but merely the exact cost of the house to him in the year 1903. And it seems to me that equity and simple justice, I will say to the gentleman from Georgia, if he will look at the matter from that standpoint—

Mr. MACON. If the gentleman locates me as being from Georgia he can not hope to get me to see this matter his way at all—

Mr. DENBY. I beg the gentleman's pardon.

Mr. MACON (continuing). For I am very proud of Arkansas and do not care to lose my identity with it.

Mr. DENBY. It is a great honor to come from either State, and I feel it is not at all necessary to apologize for the mistake. I think if the gentleman from Arkansas will consider and take into consideration all the peculiar facts concerning this case, the small salary, the poverty of this man, his great service to the Government, and the fact we are getting a splendid investment, and the further fact that a precedent can not be established, and the precedent can not be a bad one, because there is no other quarter of the world except Peking, Tokyo, and Seoul where we own premises or come so near owning them as we do at Tokyo; and, therefore, I do not think there is any danger in Europe where this thing can be repeated. If the gentleman will consider, it is merely a question of justice between the United States and this man.

The United States owes him a residence. We give our Chinese secretary in Peking a residence, and there is no reason why we should not give this man a residence and no reason why we should compel him to pay the cost of the residence himself practically on American territory.

Mr. MACON. Why are not all the secretaries furnished with residences, if we owe them to them?

Mr. DENBY. It is not always necessary for the secretaries to be in the same compound and so close to the ambassador as in Tokyo. It is absolutely essential that he should live on the embassy's premises, and particularly as the case was then, with a great war brewing, which immediately broke out in 1904. He had to come there; there was no place for him to go. There was no appropriation for a house and they permitted him to build, under the circumstances that arose in that case. We did not make him any promises that we would reimburse him—that is, any official promises—but he was told, and has been told consistently, that every effort would be made to get back the cost of the residence.

I can not see that there is anything to it except—I quite appreciate the validity of the gentleman's objection on general principles as to creating a precedent if the circumstances were not so unique as they are in this case, and therefore the precedent to which he objects, and soundly objects, can really have no effect in this case. I hope the gentleman will try to look at it from the point of view that this country practically really owned this land. We are too big to make him pay out of his funds in fact for the right of serving the Government.

Mr. MACON. Mr. Chairman, I would like to oblige the gentleman from Michigan, as I would each and every other Member of this House whenever they ask me to oblige them in any way; but I have a duty to perform, and I can not see that duty through the eyes of each and every Representative here. I must view it through my own.

I do not think it wise for the Government to purchase houses that have been erected upon grounds leased by the Government, not owned by any of its officers, and in that way establish a precedent of allowing its officials abroad, when they think they need a home, or really know they need one, to erect a building without lawful authority and then expect the Government of the United States to take it off of their hands. I do not believe it would be a good precedent, and I will not lend my voice or vote to it, and hence I insist upon the point of order.

Mr. DENBY. Mr. Chairman, if the gentleman will permit, I desire to offer one remark from the present first secretary of the embassy at Tokyo, and I will say, in this connection, I have never seen Mr. Miller, and there is nothing personal to me in this nor—

Mr. MACON. I am sure of that; the gentleman sees it that way; that is all.

Mr. DENBY. The first secretary states that Mr. Miller was persuaded, with the consent of the department, to build at his own expense a small residence in the legation grounds. I can not see how any more equitable case could ever be presented for reimbursement than this case.

Mr. MACON. Then I do not think it wise for the department to encourage one of its employees to do a thing that is directly in the teeth of the law, and I will not give my sanction to it.

Mr. DENBY. It is the only case of the kind that has ever arisen, and it is the only case of the kind that can ever arise.

Mr. MACON. It will not be long, if this is allowed, before we will probably have another.

Mr. DENBY. This can be the only one; there is no more property on which a house can be erected.

Mr. MACON. In my opinion, this will be construed to be a precedent for the construction of other buildings in a similar way, and I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas insists upon the point of order to the whole paragraph. The point, as the Chair understands it, is that there is no warrant of law existing upon which this appropriation can be based.

Mr. MACON. Authorizing this purchase.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. COUSINS. Of course it is admitted that it is subject to the point of order. I would like to appeal to the gentleman's benevolent consideration. [Laughter.] It seems to me so justifiable that I hope he will withdraw his point of order.

Mr. MACON. I must insist. I have given my reasons.

The CHAIRMAN. The gentleman from Arkansas insists upon his point of order, and the Chair sustains the point of order.

Mr. LONGWORTH. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

After line 16, on page 22, insert a new paragraph: "That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings, suitable buildings for this purpose to be either purchased or erected as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officers and for the offices of the diplomatic establishment:

Provided, however, That not more than \$1,000,000 shall be expended in any fiscal year under the authorization herein made: *And provided further,* That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alterations, repairs, and furnishing of buildings at each place in which the expenditure is proposed, which limit of cost shall not thereafter be exceeded in any case, except by new and express authorization of Congress."

Mr. MACON. Mr. Chairman, I reserve the point of order against the amendment.

Mr. WILLIAMS. I make the point of order.

Mr. MACON. Then, I make the point of order.

Mr. WILLIAMS. I make the point of order.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard upon the point of order?

Mr. LONGWORTH. Oh, no; it is plainly subject to the point of order, but I hoped the gentleman might reserve it so that I might have the privilege of making a remark or two upon the subject.

Mr. MACON. I was proposing to reserve it.

Mr. LONGWORTH. I understand the gentleman from Mississippi makes the point of order?

Mr. WILLIAMS. Mr. Chairman, there is nothing that I could do in the way of courtesy for the gentleman from Ohio that I would not like to do. Propositions of this kind ought to come up in an independent measure and be permitted to be considered and disposed of on their own merits, and therefore I did not reserve the point of order, but make the point of order.

Mr. HITCHCOCK. I would like to suggest to the gentleman from Mississippi, if he will permit me, that we are substantially in a helpless position here in the matter of bringing up new legislation, and I think when legislation of this sort is proposed which has some merit, as many think, a few minutes' opportunity for discussion might be well be allowed.

Mr. WILLIAMS. Which is a very good argument—

Mr. MANN. The gentleman forgets that we have considered this very proposition.

Mr. WILLIAMS. The gentleman from Nebraska has made a very good argument for a change of the rules, but so long as the rules continue as they are now I shall object to permit an independent proposition like this to come up, because I think it ought to come up on its own merits at the proper time.

The CHAIRMAN. The Chair understands the gentleman to insist upon the point of order.

Mr. WILLIAMS. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SCHEDULE B.

SALARIES, CONSULAR SERVICE.

For salaries of consuls-general and consuls, as provided in the act approved May 11, 1908, entitled "An act to amend an act entitled 'An act to provide for the reorganization of the consular service of the United States,' approved April 5, 1906," as follows: Consuls-general, \$303,000; consuls, \$733,000; in all, \$1,036,000.

Mr. COUSINS. Mr. Chairman, owing to the action of the House a few weeks ago, when the consulate at Messina was destroyed by earthquake, removing that consulate to Catania, at a salary of \$3,000, it becomes necessary to amend this paragraph, and I offer the following amendment to accomplish the legislation already enacted by the House:

Page 23, line 2, strike out the word "three" and insert the word "four;" and in the same line strike out the word "six" and insert "seven."

Mr. MACON. Do I understand this amendment is offered to page 2?

The CHAIRMAN. To page 23, line 2.

Mr. MACON. I reserve the point of order.

Mr. COUSINS. This, of course, is not subject to a point of order, because the House has already legislated in regard to it.

Mr. MACON. Then I will say that there is no point of order reserved or contemplated.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. HULL of Tennessee. I offer the following amendment.

The Clerk read as follows:

Amend by inserting in line 3, page 23, after the word "dollars," the following: "Provided, That the consuls-general and consuls shall ascertain the law and practice and experience of foreign countries in which they are stationed dealing with an income tax; inquire into the present mode of assessing and collecting this tax, the rates imposed and revenue received from this source; ascertain the effect of this tax upon trade and business, whether it causes money to be locked up or to disappear or the wealthy class to emigrate with their wealth to other countries not imposing such tax; and also investigate and ascertain whether these laws are avoided and evaded; and if so, by what means and to what extent, and report the results of their investigations to the Secretary of State for the information of Congress."

Mr. COUSINS. Mr. Chairman, I make the point of order that this is new legislation.

Mr. HULL of Tennessee. I hope the gentleman will reserve the point of order.

The CHAIRMAN. The gentleman makes the point of order. Does the gentleman desire to be heard upon the point of order?

Mr. HULL of Tennessee. Mr. Chairman, I desire to say in reference to the point of order just made that it seems to me that this amendment is pertinent and relevant. The amendment does not undertake to make new law or new legislation, nor does it undertake to change existing law. The amendment clearly directs our consuls and consuls-general to perform certain portions of the general duties already imposed upon them by the law creating the positions they occupy. So I respectfully insist that this is a directory order proposed to be inserted in this appropriation bill, asking our consuls and consuls-general to furnish the Secretary of State, for the information of Congress, facts that every Member here agrees is interesting and pertinent, and they should perform this as a part of the general duty already imposed and resting upon our representatives abroad.

Mr. HITCHCOCK. Mr. Chairman, I should like to supplement what the gentleman has said by calling attention to the fact that this House has on several occasions passed resolutions calling upon the Secretary of State to obtain from our consular agents specific information on the operation, enforcement, and results of the income tax in foreign countries. I remember that such a resolution was adopted by this House at the time the Wilson tariff act was being considered, and that information when secured was incorporated in the records of the House of Representatives. It seems to me, therefore, plain that the information which is called for by this resolution is only an elaboration of the duties already performed by consular agents from time to time. In fact, that is exactly what the consular agents are for. They are to secure in foreign countries and send to the Department of State, or possibly under the present law to the Department of Commerce and Labor, information which may be of interest to the people and to the Congress of the United States, and this information, Mr. Chairman, will be of peculiar interest at this time, because the extra session of Congress which is soon to convene will be called upon to enact a revenue bill—a tariff law—into which there may be incorporated and into which there certainly ought to be incorporated an income tax to provide additional revenue and to relieve the people of the United States of some of those taxes which go to increase the cost of living, and which do not fall upon the wealth of the country. It seems to me, therefore, that this resolution offered by the gentleman is not only in accordance with the former practice of this House, but it is in the development of the very duties of the consular agents.

Mr. MANN. Mr. Chairman, I think the amendment is clearly subject to the point of order. If it be true that under a resolution of the House the Secretary of State is authorized to obtain this information, then it is a discretion now lodged in the Secretary of State, with which this amendment proposed to interfere. Doubtless the Secretary of State has authority at present to direct the consuls to report upon any proposition abroad or upon any question which relates to our interests here, obtaining information from abroad. But this is legislation proposing to interfere with that discretion, and its purpose is to legislate upon an appropriation bill.

Mr. COUSINS. Mr. Chairman, it ought to be said in this connection, I think, that there is not a line of legislation on the statute books specifying the duties of foreign representatives. Under the Constitution, the President of the United States shall appoint our representatives abroad, and Congress could not in any way modify that right of the Executive, and therefore it is plainly subject, as I insist, to the point of order.

The CHAIRMAN. It seems very clear to the Chair that the amendment proposes to impose new duties upon the consuls, not now imposed by statute, and therefore is subject to the point of order, and the point of order is sustained.

Mr. HITCHCOCK. I have called the attention of the Chair to the fact that those consular agents have already, from time to time, reported as to the operation of the income-tax law abroad, just as they have reported, and continually report, on the operation of the postal savings banks abroad, and other functions of government in which the people of the United States have a peculiar interest.

Mr. COUSINS. Will the gentleman yield for a moment?

Mr. HITCHCOCK. Yes.

Mr. COUSINS. I dare say if the gentleman would address a letter to any consul, or to any consular agent, such consul or consular agent would advise him in reply of the conditions that he seeks information about.

Mr. HITCHCOCK. I do not doubt that fact, and I do not doubt the fact that these consular agents are making these periodical reports to the Department of State. But if I introduced a resolution to-day calling upon the Secretary of State, as I ought to have the right to do, for such information as he may have concerning the operation of the income tax in foreign countries, I might get a more or less complete report from the Secretary of State for use here upon the floor. But, Mr. Chairman, if we are to have such information complete and useful, it ought to be proper for Congress to suggest to the Secretary of State, as is proposed in this resolution.

The CHAIRMAN. That is an argument that might properly be addressed to the gentleman who made the point of order; but the point of order having been made, under the conditions the Chair is obliged to sustain it.

The Clerk proceeded with and completed the reading of the bill.

Mr. COUSINS. Mr. Chairman, I move that the committee do now rise and report the bill, with the amendments, to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. DIEKEMA, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, and having made sundry amendments thereto, recommended that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken upon the amendments in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COUSINS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MILITARY ACADEMY BILL.

Mr. HULL of Iowa. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28059) making appropriations for the Military Academy for the fiscal year ending June 30, 1910.

Mr. SULZER. Mr. Speaker, pending that motion I would like to make some inquiry about time for general debate.

Mr. HULL of Iowa. I ask unanimous consent that all general debate be closed in ten minutes.

Mr. SULZER. Mr. Speaker, I understood this bill was coming up next week, and I promised considerable time. The bill has been brought up to-day unexpectedly, and I would like to have at least thirty minutes on this side.

Mr. HULL of Iowa. I have withdrawn all yielding of time on this side because of the impossibility of getting the appropriation bill through the Senate. We gave seven hours' general debate on the bill making appropriations for the army, and there are other bills coming up next week, and it is absolutely necessary to close this bill up to-day or it may not get through in ten days.

Mr. SULZER. Will the gentleman make it twenty minutes?

Mr. HULL of Iowa. I can not do that. I will not object to giving the gentleman the whole ten minutes on that side and take none of it myself.

Mr. SULZER. I accept that, with the understanding that if anybody, under the five-minute rule, wants an extension of time the gentleman from Iowa will not object.

Mr. HULL of Iowa. That is according to how much time he wants.

Mr. SULZER. Well, say ten minutes.

Mr. HULL of Iowa. I would not object to any man that has anything to say having ten minutes.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, pending the motion of the gentleman from Iowa, I ask unanimous consent to take from the Speaker's table the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the pension appropriation bill with Senate amendments and that the House disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. KEIFFER, Mr. GARDNER of Michigan, and Mr. BOWERS.

MILITARY ACADEMY APPROPRIATION BILL.

The motion of Mr. HULL of Iowa to go into the Committee of the Whole was then agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. STERLING in the chair.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HULL of Iowa. I now yield ten minutes of the general debate to the gentleman from New York [Mr. SULZER].

Mr. SULZER. I yield ten minutes to my friend from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. Chairman, I desire to make a few remarks on the subject of an income tax. During the present fiscal year we are incurring in the operation of the Government a deficit, which, at the end of the year, will probably amount to about \$125,000,000. One of the problems before the Committee on Ways and Means at the special session of Congress soon to assemble will be to provide additional revenues for the Government. It has been proposed that a part of this additional revenue shall be raised by lowering the customs duties so as to bring into the country additional imports and increase the income of the Government in that way. This change will tend to place the tariff upon a revenue basis, with incidental protection when circumstances make it necessary in order to maintain competition between foreign and domestic products.

With this programme I am decidedly in accord. It has been also proposed, however, to increase internal-revenue taxes upon certain articles of common consumption and to lay duties not now in existence on certain articles of importation, such as coffee. To this proposal I am decidedly opposed. It involves an increase of the present evil. It involves the idea of increasing the living expenses of the American people. It involves a tax on the breakfast table of every family in the land.

Mr. Chairman, there is a method which the Committee on Ways and Means can resort to. There is a method of taxation which it can appeal to, which involves no increase in the cost of living to the American people, no restraint on any industry. It is a method which has gone through more than a century of trial in European countries—a method which has been used in Great Britain since 1798 off and on, and which has been used in Great Britain constantly since 1842. It is a method which has been used and is now in use in Prussia, in Austria, and, I think, also in Italy and Switzerland.

It is the income tax, a tax which at the present time is raising for the use of the British Government \$162,000,000 a year on a 5 per cent basis, a tax which was tried in the United States from 1863 to 1874, and which during that time raised a total of \$346,908,000, a tax which has stood the test of the Supreme Court on many occasions. A subsequent income tax was only declared invalid by a doubtful and divided court by a decision in the Pollock case. Mr. Chairman, the income tax is not, as most of our present national taxes are, a tax on consumption. It is not a tax which increases the cost of living to the people of the country, as most of our national taxation does, and it is a tax which, with peculiar propriety, calls upon the people in proportion to the benefits which they derive from the protection of the Government, and which falls upon them also in proportion to their ability to pay. I have no doubt that if we levied a tax of only 2 per cent on the incomes exceeding \$1,000, this Government can secure a revenue greater than the Government of Great Britain derives from its tax of 5 per cent. It would more than make up the deficit. It would give us all the additional revenue that we require. This revenue which can be raised in this way will not fall upon the people in proportion to what they consume, as is now the case with practically all of our national revenues, but it will fall upon them, as I have stated, in proportion to the benefits which they derive from the Government, and also in proportion to their ability to pay.

Mr. Chairman, it is one of the crying disgraces of this country that wealth does not share its proper portion of the burdens of government. It escapes in all great cities, it escapes in state taxes to a large extent, and when we come to the national revenues, it escapes completely. These millions which we raise every year, these eight or nine hundred millions of dollars in taxes which we levy upon the people of the United States, fall as a burden upon individuals and not as a burden upon wealth.

They are levied almost in a per capita method of taxation, so that this great Government, bringing prosperity to the people of the United States in great disproportion, is not supported by the people of the United States in proportion to the benefits which they derive, but is supported by them practically as it would be supported if we levied a per capita tax.

Mr. Chairman, I am in favor of an income tax, and I am in favor of an income tax levied upon a sliding scale, so that the smaller incomes shall not be taxed as heavily as the larger incomes are taxed. This was the revenue income tax which was enacted in 1862 and which was amended several times later, once in 1865, once in 1867, and again in 1870. The first law passed provided a tax of 3 per cent on incomes up to \$10,000, but exempted those below \$600. It provided a tax of 5 per cent on incomes over \$10,000; and in my opinion, Mr. Chairman, the Committee on Ways and Means, which is even now engaged in the work of framing a new revenue bill, should not omit the duty of devising such an income tax as will stand the test of law and at the same time lay a proper share of the burdens of government upon the wealth of the United States, upon the incomes of the people of the United States in proportion to their incomes, with a lighter tax upon the low incomes and a heavier tax upon the larger incomes. [Applause on the Democratic side.]

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

The CHAIRMAN. The Clerk will read the bill under the five-minute rule, the time for general debate having been exhausted. The Clerk read as follows:

For pay of one commandant of cadets (lieutenant-colonel), in addition to pay as captain, \$1,100.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 2, line 12, strike out the words "captain, one thousand one" and insert the words "major, five," so that the line will read: "In addition to pay as major, \$500."

Mr. MANN. Mr. Chairman, I reserve the point of order on that amendment.

Mr. HULL of Iowa. I want to say in explanation that since the bill was framed there has been a redetail to this position of commandant of cadets, and in place of a captain being there there will now be a major, so it makes this bill carry the additional pay provided by law. It makes the pay \$500 in place of \$1,100.

Mr. NORRIS. Is he the same man?

Mr. HULL of Iowa. No; it is not the same one.

Mr. MANN. Mr. Chairman, as very much of the time of ten minutes given for general debate on this bill was exploited in the consideration of an income tax, may I ask the gentleman in regard to the bill itself? Would there be any impropriety in that?

Mr. HULL of Iowa. I should imagine not.

Mr. MANN. Is there any practical change in this bill?

Mr. HULL of Iowa. There is a change in regard to one clerk, where we increase the salary, as I remember now, \$300, a clerk who has been there for a long time. In the last part of the bill there is a provision in regard to Constitution Island which we will strike out, because it is now agreed to by both Houses. I say to the gentleman there is a little difference in regard to the professor of English. The department and the academy wanted to make him a professor of the academy. Under the law that would make him a colonel, making him a lieutenant-colonel first and afterwards a colonel, and—

Mr. MANN. And be on the retired list eventually.

Mr. HULL of Iowa. Yes. Heretofore we carried this professor of English among the army officers detailed to West Point, and now, in order to make it sure that there will be a civilian officer, we put that professorship or instructor under the civilian employees of the institution and provide that he must be taken from civil life. Now, we increase that salary \$500.

Mr. MANN. How many civilian professors are there at West Point?

Mr. HULL of Iowa. This is the only one, except—

Mr. PARKER. There are civilian professors for Spanish and French.

Mr. HULL of Iowa. Yes; there are civilian professors for Spanish and French.

Mr. MANN. The other professors are army officers?

Mr. HULL of Iowa. The others are all army officers. All the instructors of the higher grades are army officers.

Mr. MANN. In that respect different from Annapolis.

Mr. HULL of Iowa. They have always been different from Annapolis.

Mr. MANN. And the Annapolis professors are now seeking to get on the retired list, so as to get on an equal plane with the professors of West Point.

Mr. HULL of Iowa. Yes. I do not believe in it, and I will say, when we gave it to them last year, although we did not give it to them in the language they wanted, we did last year give the right to employ a professor of English outside of the academy, but we carry him as a civilian.

Mr. MANN. But there is nothing in this bill at any place which would authorize the placing of a civilian professor on the retired list.

Mr. HULL of Iowa. On the contrary, we have guarded against it in the most careful manner and carry him in a different part of the bill from that in which we have heretofore carried this position. The instructors are nearly all army officers, and we now carry this place under the head of civilians and not in any part connected with the army, and we declined absolutely to give him the title of professor. We give him the full pay, however, of a professor.

Mr. OLCOTT. Will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly; but the gentleman from Illinois has the floor.

Mr. MANN. I will yield to the gentleman. I did not know who the gentleman addressed.

Mr. OLCOTT. As a matter of fact, the civilian professors at West Point now are retired on three-quarters pay.

Mr. HULL of Iowa. I did not know that; it is news to me.

Mr. OLCOTT. There are no civilian professors, but they are taken from civil life and given the rank—

Mr. HULL of Iowa. Not at all; not one of them is given the rank except the master of the sword, and we gave him by special act the rank of a first lieutenant.

Mr. MANN. I was trying to conduct this school for the benefit of the gentleman from New York, who has a bill seeking to put the professors at Annapolis eventually on the retired list.

Mr. OLCOTT. I am only trying to get the civilian professors at Annapolis in exactly the same category as those at West Point. I am very glad, indeed, to have this school, and it is certainly a fact—

Mr. HULL of Iowa. The professors and instructors at West Point are all army officers, except as above stated, and in the army before detailed to West Point; and I will say to my friend from New York, in trying to secure the reappointment of officers now on the retired list of the navy to professorships of Annapolis, the Secretary of the Navy told me he was very strongly in favor of making the professors of Annapolis naval officers, believing it would be better than to take them from civil life.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HITCHCOCK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For pay of one constructing quartermaster in addition to pay as major, \$1,000: *Provided*, That this increased salary shall only apply during the time this office is held by the present incumbent.

Mr. MACON. Mr. Chairman, I reserve the point of order upon that provision.

Mr. HULL of Iowa. I think it is only a limitation; but I will say to my friend from Arkansas that on account of the very superior ability of the man now in charge of this department, on account of the great work that is carried on by him, he is given an additional compensation of \$500 more than he would otherwise receive. Now, while the bill carries this additional compensation, we believe that he has saved the amount many times over by his great ability. If, at the expiration of the present fiscal year, he goes out, and a new quartermaster shall be detailed, the committee believe that he ought not to have this additional compensation "on account of his superior ability," because he will have had no experience. We are spending \$7,000,000 there, and if the gentleman will examine into the work under the control of Major Carson, the quartermaster in charge, he will find that he has saved, from what we know such work would have cost when done at other places, hundreds of thousands of dollars.

Mr. MACON. You propose to increase his salary \$500?

Mr. HULL of Iowa. We propose that the next officer shall not have this increase if the officer now in charge is detailed and must go to another place.

Mr. MACON. I withdraw the point of order.

The Clerk read as follows:

In all, for extra pay of officers of army on detached service at the Military Academy, \$29,900.

Mr. HULL of Iowa. Mr. Chairman, we have reduced the compensation of the commandant of cadets \$600, and so as to make the provision conform to the action we have already taken, I move to strike out, on line 8, the word "nine" and insert the word "three."

The Clerk read as follows:

Page 4, line 8, strike out "nine" and insert "three," so as to read "\$300."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For extra pay of two enlisted men employed as clerks in the office of the adjutant, United States Military Academy, at 50 cents each per day, \$365.

Mr. MACON. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. HULL of Iowa. That is simply carrying out what the law provides. We have a great many men at West Point who are enlisted to do this character of work, and it saves the employment of a large number of civilian employees at much higher wages.

Mr. MACON. Does the existing law allow the additional pay of 50 cents a day in the paragraph reading "For pay of two enlisted men employed as clerks in the office of the adjutant, United States Military Academy, at 50 cents each per day, \$365?"

Mr. HULL of Iowa. That is simply carried in the law. The law provides that men doing this class and character of work shall have 50 cents a day each. It is in the statutes. I will say, why we see so many of them here is for the reason that it is a permanent enlistment of men to do this class of work. It is a saving to the Government. At the same time, it gives a class of men encouragement to continue all the time as clerks, whereas the clerks that they would have to employ might be young men who would be offered really higher wages if employed as clerks than these men when they are in the employ of the Government.

Mr. NORRIS. I notice so often this item: "Clothing on discharge." Why is that repeated, and what is it for?

Mr. HULL of Iowa. I will say that that comes in here under the different heads of the service. For instance, the law authorizes certain men in each branch of the service at West Point, and their pay as "cavalry detached." Now, it is clothing on discharge from cavalry detached. In other places it is for other detachments.

Mr. NORRIS. What does it mean?

Mr. HULL of Iowa. It means that the law authorizes certain allowance for clothing to soldiers. If they do not use the amount allowed, the Government pays them on discharge the difference between what they are allowed and what was used. That is what it means.

Mr. MACON. After the gentleman's explanation, Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For extra pay of two enlisted men employed as clerks in the office of the commandant of cadets, at 50 cents each per day, \$365.

Mr. TIRRELL. Mr. Chairman, I move to strike out the last word. I desire to call attention to the condition, as it appears in the press and from private investigation, of affairs at West Point, inasmuch that there seems to be a steadily decreasing interest throughout the country in young men seeking an education there. It is not many years ago that West Point of all other institutions was sought for by the young men of the country for educational and patriotic purposes. Now, I think—at least it is so in New England, and I assume that section of the country represents the whole—it is sometimes exceedingly difficult to find anybody who will take examinations for that institution. I have not, indeed, been able to get more than half a dozen by advertising in every paper in my district for young men who are ready to compete in a competitive examination for that position.

The question arises, On account of this decreased interest, inasmuch as we are spending some \$3,000,000 a year there and inasmuch as many of the boys who have entered there do not remain, what is the cause of this and what should be the remedy? I have obtained from one of the boys in the senior class, not appointed by me at West Point, the record of his own class in this respect. He has been there some three and a half years. His class entered 168 in number. They now number only 103. In three years they have diminished one-third of the entire number. Take the lower classes; and, with the exception of the freshman class, he says the average is about 83. That is, they are only educating at this enormous expense about 400 cadets, when the number should be some 550. Not only that, but there is a considerable disposition among the cadets at West Point to resign, as you see many of them have resigned, by the great diminution in the numbers of the senior class. I think one reason of this condition of affairs is a false idea

as to the qualifications a cadet should possess. Inasmuch as the best scientists and mathematicians have been selected as instructors in that institution, the idea seems to have obtained an ineradicable foothold there that no boy should be admitted to that institution who is incapable of solving the abstract problems of the calculus or an intricate problem of logarithms. Important as is a mathematical and scientific education, it is not the whole thing in the makeup of a man.

Mr. HULL of Iowa. Does not the gentleman know that the larger proportion of the great high schools of the country now prepare boys so that they are admitted to West Point? The high school in my town and the high school of my county town have prepared boys who have never gone to any other school on earth, and they have been admitted to West Point on the prescribed examination.

Mr. TIRRELL. I know nothing about that; but in our section they not only have competitive examinations, but the boys have to pass through an exceedingly severe entrance examination, in which many have been turned down because they have not, in mathematics, been up to the standard demanded by the institution.

Mr. MADDEN. Does not the gentleman know that the rules for admission to West Point provide that any boy having the physical qualifications, with a certificate of graduation from a high school, is entitled to admission to the academy without any further mental examination?

Several MEMBERS. Oh, no.

Mr. NORRIS. The gentleman is mistaken about that.

Mr. TIRRELL. The truth of the matter is, Mr. Chairman, that important as mathematics is it does not constitute all the education, by any means, that a graduate from West Point should possess. He should, above all things, be so cultivated in polite literature, languages, and collateral studies that his imaginative faculties may also be alert; because without the imaginative faculties, without the possibility of picturing the conditions of a field of battle and providing for emergencies—a quality not stimulated by a mathematical and scientific education—a man becomes largely incompetent to fill the positions to which he may be assigned.

Now, Mr. Chairman, I am not criticising the institution or its methods of study. I am simply directing the attention of the House to the fact that I believe, in that particular line, they are carrying their requirements too far, and that they are excluding a large number of boys who would make brilliant records in the military history of the country who do not possess the extremely developed mathematical faculty which seems to be demanded by the examiners of this institution.

In the remainder of my time, in order that the condition of affairs at West Point may be fully understood, I ask that this clipping from a newspaper be read at the Clerk's desk.

Mr. YOUNG. Before that is done, do I understand that the gentleman wishes to lower the standard for admission to West Point?

Mr. TIRRELL. Not at all, but I claim that by the extreme mathematical test required many boys who would average up high in that institution and be amply qualified to fill all the requirements of military service are shut out.

[The time of Mr. TIRRELL having expired, by unanimous consent it was extended ten minutes.]

Mr. TIRRELL. In other words, it strikes me, from the experience I have had in the last four Congresses, that the question of mathematical ability is carried to such an extent that many young men are unable to get in. And yet we have had boys recommended by the principals of the best high schools in my State and boys of that class as boys of exceptional ability and, in their judgment, amply qualified.

Mr. YOUNG. Will the gentleman yield?

Mr. TIRRELL. Certainly.

Mr. YOUNG. Has the gentleman ever examined the list of questions asked in mathematics in these examinations?

Mr. TIRRELL. I have.

Mr. YOUNG. Are they not such as any bright, educated boy could answer—65 per cent of them?

Mr. TIRRELL. No, sir; I have studied the examination papers, and I would be willing, notwithstanding my friend from Michigan is a brilliant scholar, to venture the assertion that he could not pass the examination.

Mr. YOUNG. Perhaps I could have done better forty years ago. [Laughter.]

Mr. ESCH. Will the gentleman yield?

Mr. TIRRELL. Yes.

Mr. ESCH. Some four years ago the graduates of the high schools could be certified and get certificates which would enable them to enter the academy without having an examination. Can the gentleman inform the House why that practice is no longer pursued?

Mr. TIRRELL. I can not.

Mr. ESCH. Was it due to the fact that the students admitted on those certificates were not sufficiently high in mathematics?

Mr. TIRRELL. Very likely. Now, Mr. Chairman, I will ask the Clerk to read the article I have sent to the desk.

The Clerk read as follows:

TOO FEW CADETS AT WEST POINT—CLASSES NOT FILLED AND AUTHORITIES ASK FOR MORE—CONGRESSMEN BLAMED FOR NOT NAMING ALTERNATES AND SO CAUSING VACANCIES WHEN APPOINTEES FAIL.

WASHINGTON, January 26.

Because of their inability to get full classes at the Military Academy the West Point authorities are asking Congress to pass a new law providing for more entries each year.

At the present time the cadet corps is more than 20 per cent below its maximum strength. The situation has grown so serious that it is attracting attention of the War Department.

The appeal to Congress is intended to stimulate interest in the needs of the service by giving more opportunity for appointment to the Military Academy.

The authorities ask that in addition to the present number of cadets authorized a law be enacted permitting the appointment of two additional men from each of the various States.

The maximum strength of the corps, were all the vacancies filled, is 530; but at latest accounts there were only 409 cadets in the academy, a shortage of 121.

This dearth of material for new officers is particularly deplored, because so many demands are made on the regular establishment for officers to act as instructors at military schools and colleges, and also to act with militia organizations.

With these officers on detached duty, there are not enough experienced men to take charge of the troops and maintain the army in the high degree of efficiency that is absolutely imperative because of its low numerical strength.

In the recommendations for appropriations from Congress the West Point officials offer the suggestion for more appointments and would have the law provide as follows:

"Hereafter the corps of cadets shall, as nearly as practicable, be maintained at its maximum authorized strength, and for this purpose a sufficient number of extra appointments are authorized not to exceed two from each State, extra appointments to be distributed in an equitable manner among the congressional districts of the States and Territories, the District of Columbia, and Porto Rico, according to a roster to be kept by the Secretary of War."

Just before he retired as superintendent of the academy, Col. Hugh L. Scott submitted a report on the examinations of last spring. He said at that time that, with two entrance examinations just completed, the number of vacancies should be at the minimum; but, as a matter of fact, there were actually more than 100 places unfilled.

These were attributed to a number of causes, as shown in these figures:

Failure to report for examinations (principals, 20, and alternates, 91)	111
Failed to complete examinations	14
Mentally and physically disqualified	61
Qualified mentally, physically rejected	10
Qualified physically, mentally disqualified	131
Qualified alternates, no vacancy	7
Qualified physically, withdrew from mental examinations	1
Qualified principal, appointment revoked	1
Qualified and directed to report for admission	124

Total 460

"It is probable that no plan will keep the corps entirely filled," said Colonel Scott in submitting these figures, "except legislation to authorize a sufficient number of extra appointments to offset the normal shortage."

Much of the blame for the conditions at West Point is laid at the doors of Members of Congress. Each Member has the appointment of one cadet and two alternates.

"But we can not get Congressmen to name the alternates," said a member of the General Staff. "They seem to think that the naming of alternates in some way detracts from the rights, and opportunities of the principal. The result is that when the principal fails to 'make good,' there is no one to step into his place, and the Congressman who has followed this policy can not name another candidate until the following year."

The logical result of this shortsightedness is found in the number of vacancies that exist at the academy. The army can not fill these vacancies as is done at Annapolis. So, accordingly, the Military Academy grinds on with mighty little grist on which to work.

"As a matter of fact, the Military Academy has never in its history had full classes. The present situation, however, is causing concern because of the imperative need for more officers."

Mr. PARKER. Mr. Chairman, I had intended, on the item of "pay of cadets," to have taken up the subject of the number of cadets in the Military Academy. It is an important subject. There are only 403 cadets now in the Military Academy. There is room for 672 in the barracks, and with such a plant as we have at West Point and considering the need of officers of high ability, for the engineers, the ordnance, and the artillery, we should have more cadets.

The gentleman from Massachusetts is mistaken in thinking that we do not need mathematical ability in men who are to do engineering—

Mr. TIRRELL. I hope the gentleman will not misrepresent me.

Mr. PARKER (continuing). Men who are to do engineering, men who are to build ordnance, and men who are to take care of the problems of gunnery. It is one of the sad things in our army now that we have not cadets enough to fill all these branches, and that many officers, even in the coast artillery, have had to be taken, with more or less success, from civil life. In the infantry and cavalry it may be a different thing. It may

be well to give college graduates, as they do in Germany, an opportunity to go into the army and then stand examination for promotion. It is not well to have ill-educated officers.

Mr. WILLIAMS. Will the gentleman yield?

Mr. PARKER. Certainly.

Mr. WILLIAMS. Is it not true that nobody can be a great general or strategist unless he has instinctively to a high degree the mathematical sense?

Mr. PARKER. I agree. Now, with reference to the entrance examinations, they do not require logarithms and the calculus. The gentleman from Massachusetts is mistaken. It is an examination, so far as mathematics are concerned, only in ordinary arithmetic and in algebra up to the simpler quadratic equations. It asks only what any boy ought to be able to get in any high school. If the high schools—well, Mr. Chairman, I will not say anything about our public schools and other schools, but there is too much of a disposition in these days to wish to graduate pupils with honor, and to pass them if they have done fairly in a certain number of recitations from day to day for a number of years, without proper reviews or being at all sure at the end whether they remember what they have learned or not. I have seen men, graduates from high schools, who could not spell well or write a decent letter, because they were not examined when they entered the high school to find out what they had really learned in the grammar schools.

In West Point they have the best system of instruction that I have ever known anywhere. Every class is divided into many divisions—first, second, third, fourth, fifth, sixth, seventh—and with a small number of scholars in each division, under practical military officers as instructors. The cadets are promoted from one division to another or put down from one division to another, according as they do. The first division goes over much more ground than the last. But whatever is learned at all must be learned thoroughly. As a result, there is real work done at that academy, and if a man does not keep up he is dropped. A class that begins at 168 may graduate only 103, because it is the survival of the fittest, and the most manly fight is fought in that work at West Point that ever was done in any army. It brings us men who are ready to work, ready to do their duty, and fit for their places.

Mr. TIRRELL. Will the gentleman yield? Does the gentleman think it advisable to have a system of study which cuts down students one-half during the course?

Mr. PARKER. I do. The best school I ever went to was at Andover, Mass., where one-fifth to one-third of every class were dropped yearly, and that is why Andover scholars have always stood well in the community. The West Point system gives us officers for the high grades, who proved themselves in the civil war. If we could graduate more than enough for the army and, as we used to do, too, send to civil life West Point graduates, instead of putting them all into the army, we would have a better reserve for a time of war than could be made in any other way. Think of Jackson, think of McClellan, think of Grant, think of the many officers that came from civil life on either side of that great struggle, who were graduates of West Point. Think of those who carried the war with Mexico to a triumphant conclusion. West Point graduates are the real reserve for this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL of Iowa. I ask unanimous consent that the gentleman may proceed for one minute.

There was no objection.

Mr. PARKER. Now, it is proposed, and was proposed in the committee, that in order to use that plant at West Point worthily, and to make it the great school that it should be, Congressmen and Senators and the President should send cadets there once in three years instead of once in four years, just as at the Naval Academy they increased appointments from once in six years to once in four years, and later to once in two years. Such a provision would increase the number without diminishing the standard. I am sorry to say that we ascertained in the committee that objection would be made on the floor of the House, and we did not put that provision in the bill. Before this bill was opened I wanted to lay this matter before the House, because I believe it imperative to the success of that institution that there should be more appointments and more graduations, and even with that increase a large number of officers will have to be appointed from the enlisted men or from civil life.

Mr. SULZER. Mr. Chairman, just a few words on the subject under discussion. In reply to the gentleman from Massachusetts [Mr. TIRRELL], I want to say that, in my judgment, the trouble about which he complains is not so much the severity of the examinations at West Point as it is the neglect of Members of Congress to keep the vacancies in their districts filled. I understand that there are to-day over a hundred vacancies at

West Point which have not been filled by Members of Congress. I take a deep interest in the welfare of the Military Academy at West Point. We all know that there is no better military school in the world. The standard of admission should be high. America is proud of West Point as a military institution; we are proud of its record in the past; and I am now and always have been in favor of maintaining there the highest standard. It ought to be done. Instead of lowering the standard, we should keep it up, at least, to what it is to-day. We know that a young man physically qualified and who has graduated from a high school will have no difficulty in passing the preliminary examination and getting in; and after he gets in he will have no trouble in staying in if he works and studies. The great trouble with some of the cadets at West Point is that they fail to keep up with their studies and pass the examinations. It is their own fault. If a young man admitted to West Point will study and work and keep up with his class, there will be no trouble about passing his examinations and graduating with honor. If he will do the work required, he will never be set back, never dismissed, never asked to resign because he has failed to meet the requirements of the institution.

In my judgment the gentleman from Massachusetts is laboring under a misapprehension regarding this matter, and I wish to say that I agree with the gentleman from New Jersey [Mr. PARKER] that one of the best changes Congress can make at the present time is to have cadets appointed by Members of Congress every three years instead of every four years, as at present. That would keep up the maximum quota of the classes. To-day the principal reason it is not done is due largely to the fact that there are so many vacancies from various congressional districts. These vacancies should be promptly filled.

I believe if we would amend the law so that every three years a Member of Congress could appoint a cadet to West Point from his district that there would be no further trouble in keeping the classes up to the maximum. I want to say that so far as my own district is concerned I never have any trouble. There are always young men in my district asking to be sent to West Point, and most of them are well qualified, physically and mentally. I have no doubt that is true in regard to most of the other districts of the country. The trouble is that some Members of Congress appoint young men in whom they take a personal interest, or as a matter of favor, and many of these young men are not qualified. They have not studied long enough, and they do not take the trouble to go to preparatory schools. That is the trouble. And that trouble can be easily obviated; but at the same time I want to say again that I concur most heartily with the suggestion made by my colleague from New Jersey [Mr. PARKER] that the law be amended so that Members of Congress have the right to appoint cadets to West Point every three years instead of every four years. [Applause.]

The Clerk read as follows:

For extra pay of four enlisted men as printers, at headquarters United States Military Academy, at 50 cents each per day, \$626.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I dislike very much to delay the consideration of this bill for the purpose of discussing a feature of the administration of the academy that is not immediately and acutely in issue, and I do want to submit a few observations, and I desire to print something in the Record in addition to what I am going to say, and I now ask unanimous consent that I may be permitted to print in the Record certain documents.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to print certain documents in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, the complaint of the gentleman from Massachusetts [Mr. TIRRELL] strikes me as very remarkable. So far from there being a lack of interest in my section of the country in regard to appointments to the Military Academy, I—and I am sure it is the experience of my colleagues—are overrun by applications whenever a vacancy occurs, and the young men in my district seem to know in advance of its occurring, so I begin to get letters from applicants—

Mr. SULZER. That is my case also.

Mr. SLAYDEN. I want to say also, Mr. Chairman, I have never had any difficulty which the gentleman suggests with reference to the graduation of the young men whom I have sent there. All of them have graduated, and most of them, I am pleased to say, have graduated with distinction, too, at both the Military Academy and the Naval Academy. I believe there is something wrong with the Military Academy, seriously wrong, that requires attention and requires it now, and I regret to say I believe the chief source of the trouble lies within this Hall and the other Chamber of Congress. The discipline of the academy, the control of the young men who are there as cadets, has been interfered with, has been impaired in a way that threatens, according to the language of the academic board, the

very existence and usefulness of the academy itself if it is not stopped.

Now, we all know that for years when young men by infraction of the rules have gotten themselves into trouble and have incurred the penalties thereof and have been dismissed, they immediately footed it to Washington, where, exercising "pull," they have persuaded Congress or the President to set aside the findings of the academic board, the one competent body in all the world best qualified to pass upon the question at issue. Within the last year and a half there have been a number of dismissals from the Military Academy—at least, recommendations by the academic board for dismissal. Unless that board reverses itself, unless it withdraws its recommendations for dismissals and suggests leniency in lieu of the penalties that the law imposes, they must be dismissed. The report sent to the House recently, known as "Document No. 1455," gives in detail a history of these cases at the academy since January 1, 1908, where some young men were dismissed for deficiency in study and some for hazing, and it also shows unfailingly and without exception that immediately after conviction they and their friends asked that Congress and the Executive should have the laws of the Government set aside and to have these young men who had been guilty of breaches of discipline replaced in the academy.

In a letter dated West Point, January 4, 1909, of Lieut. Col. Robert L. Howze, commandant of the cadets, the situation is set forth in clear and strong language, and I commend the reading of it to every Member of this House who wants to see the academy maintained at a high state of efficiency.

HEADQUARTERS UNITED STATES CORPS OF CADETS,
West Point, N. Y., January 4, 1909.

Respectfully returned to the adjutant, United States Military Academy, recommending that this application be disapproved.

Whenever at any time this cadet had more demerits than an average of 18 per month he was duly notified. He had free access to the books which exhibit the number of demerits cadets have, provided he was not serving special punishment. In that case it would have been a simple matter for him to have prevailed upon a classmate to get the information; further, he could have gotten the information by applying directly to this office.

The facts are that at the end of October he did not have a monthly average of 18 demerits, but during November, the last month of the six-month period, he committed offenses which resulted in his receiving some 41 demerits. It is evident that during this last month he deliberately and purposely disregarded the regulations in every way that he possibly could, going so far as to commit an intentional breach of confinement, for which he was awarded two months' special confinement and 10 demerits. This cadet has been not only indifferent to the observance of the regulations, but he has shown a thorough disregard of them, increasing in these respects as he has advanced in his cadetship.

The total number of demerits recorded against this cadet was 123. His case was carefully considered by a board of officers, which called upon him and weighed every claim and statement he had to make concerning the demerits recorded against him, and after giving him the benefit of all doubt recommended that 8 demerits be removed, which recommendation was approved. All but one member of the board voted upon the merits of this cadet's case without knowing the number of demerits involved. The board acted conscientiously, guarding well the cadet's interests, and at the same time the interests of the academy; if it erred at all it was distinctly on the side of leniency toward the cadet. The limit of demerits which a cadet may get during the six months is 108. This limit is sufficiently large for any cadet who desires and tries at all to keep within it—in fact, there was a distinct liberality shown in fixing this high limit.

The regulations concerning discipline have with but few modifications been enforced since the beginning of the academy; without the proper enforcements of these regulations the ends intended would not be accomplished; it would not be a fit place for the training of young men in the observance of discipline and the military regulations, and the good men of the country would not want their sons trained here. The aim of the institution would miss its mark. Fortunately, from the beginning and up to the present time when a cadet has without any doubt so violated the rules and regulations as to have received a number of demerits in excess of the authorized allowance he has invariably been discharged, and, I think, never reinstated or even turned back to another class.

The strict enforcement of these regulations is the main sustaining principle upon which the good name and reputation of the academy depend, and there should under no circumstances be any divergence therefrom. The fact that this is a military academy should not be lost sight of, and it is my fixed opinion that a young man, while in the atmosphere which surrounds him here, who so disregards the requirements of discipline and is declared deficient therein can rarely, if ever, make an efficient and capable officer, fitted for the serious responsibilities which will be imposed upon him. There are other and better young men ready to take his place, and certainly they should be given a chance to do so.

Should cadets who have been declared deficient in conduct be returned the effects on discipline would be seriously felt, and the respect which cadets should and at present do have for the authorities here would be very much lowered. Under no circumstances should cadets so discharged be reinstated.

ROBERT L. HOWZE,
Lieutenant-Colonel, U. S. Army, Commandant of Cadets.

Observe that Colonel Howze says that "from the beginning" when a cadet has been clearly guilty and the academic board advised dismissal, he has been invariably discharged; that is, mark you, up to the present time.

The President saw fit on the 4th of January to write to the Secretary of War that in his judgment the penalties imposed upon these young men were unnecessarily severe, and he hoped

the academic board would be reconvened in order to reconsider its action so far as it relates to these young men:

THE WHITE HOUSE,
Washington, January 4, 1909.

There are five young men who have been recommended for dismissal by the academic board at West Point for what seems to me insufficient reasons. They are Cadets _____, _____, _____, _____, and _____.

Can not the academic board be reconvened to consider again its action, so far as relates to these men? It seems to me that the needs of the service can be met by some arrangement less than discharge. I think it would be an entirely needless hardship to turn these boys out, if necessary, let them each go back one year.

THEODORE ROOSEVELT.

THE WAR DEPARTMENT.

Of course, a suggestion or intimation of what the Executive desires always has the effect of a command among military officers. The board was immediately convened again, and upon January 9 they submitted this letter:

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., January 9, 1909.

The academic board of the United States Military Academy, having before it the autograph letter of the President of the United States of January 4, 1909, concerning the cases of Cadets _____ and _____, of the first class, _____ and _____, of the third class, deficient in discipline, and Cadet _____, of the third class, deficient in mathematics and drawing, desires to submit for his consideration the following presentation of the principles which have guided it in these and similar cases, and of the particular circumstances attending each of the cases under advisement.

In a great military school of the importance and high standing of this institution, the board conceives that one of its chief functions is the disciplinary training it confers and its efficiency as a character-forming mechanism. These attributes, which above all others go to the development of an efficient officer whose duties concern the command, the guidance, the well-being, and even the lives of those under him, and upon whom the country relies in time of emergency for the exhibition of the highest qualities of mind and character, are essentially matters of discipline, of self-control, of a sense of responsibility, and of conformity to law and authority.

These qualities are acquired only by habit and under an impartial enforcement of the regulations and orders which govern their daily duties. This disciplinary influence is progressive and cumulative and should, before the student is intrusted with command, have been assimilated and should have been productive of results sufficient to justify the authorities in certifying that he has qualified for the responsibility of command as an officer of the United States Army. Failure to show this acquirement on the part of the individual becomes increasingly reprehensible and indicative of incapacity for responsibility in proportion to the length of the period of probation.

During the first year of cadet service every leniency is shown in the consideration of the disciplinary shortcomings of the novice, and he is given abundant opportunity to adjust himself to the conditions of military service and requirements. During the second year the responsibilities are increased, the novitiate has been passed, and the cadet is familiar with the obligations and regulations and the necessity of conforming thereto. From that time forward ignorance of the requirements of his environment are no longer to be pleaded in extenuation. Whatever breaches of discipline are committed are done with a full knowledge of their character and the consequences involved. By the time the cadet has attained the dignity of a first class man (corresponding to that of senior in college) not only has he become experienced in the exactions of the military life, but he has attained maturity of mind and of body; he is about to assume command and its responsibility. Furthermore, in the administration of discipline by cadet officers, as a cadet advances in class rank he is reported with much less frequency for trifling violations of discipline.

When a first class man, therefore, receives so many reports as to endanger his status it indicates a very high degree of carelessness and indifference to regulations.

Prior to this year, since 1884, but one first class man has been deficient in conduct.

In this connection, the board observes the fact that these cadets are no longer boys, but have attained the age of manhood. The actual ages of the four individuals now deficient in discipline are as follows: Cadets _____ and _____, first class, are, respectively, 22 years 11 months and 23 years 5 months of age. Cadets _____ and _____, third class, are, respectively, 23 years 1 month and 22 years 5 months of age. Cadet _____ is not in the same category, but is deficient in two studies, and his case will be referred to subsequently.

It has been urged in reference to the deficiency of these cadets in conduct that they have exceeded the limit by only a few demerits. In the first place, the limit of demerits fixed by the regulations of the Secretary of War is exceedingly liberal, and no cadet at any time, with reasonable attention to his duties, need come anywhere near the danger limit. The limit is made thus liberal for the purpose of affording no excuse to those who exceed it. The same plea could be urged in extenuation of a slight excess of any limit whatever, no matter how liberal it might be. To show that this plea is not valid in these cases, the board wishes to state the fact that the average number of demerits of the other cadets in the first class was 32, Cadets _____ and _____ having received, respectively, 118 and 123. Their final showing of 109 and 115, respectively, was due to the fact that a special board of officers was appointed to consider their deficiencies; to examine the nature of each report given; to afford the individuals opportunity to protest or explain in any case as to the justice or validity of the report; and to remove whatever reports in its judgment could be overlooked by a lenient construction of the circumstances under which they were given. This board cited the cadets before it, listened to any special explanation they had to give, and finally removed a certain number of reports in each case without knowledge of the number of demerits attaching to each report. This resulted in leaving Cadet _____ still deficient, with 109 demerits, and Cadet _____ also deficient, with 115.

In the case of Cadets _____ and _____, of the third class, the same process was put into operation by the board, with the result of leaving these men deficient, with 111 and 109 demerits, respectively.

In the third class the average number of demerits for the other members of that class was 56. It will be observed, therefore, that in the case of the first class men Cadet _____ had over three times the average number of demerits of his classmates, and Cadet _____ nearly four times that number. Cadets _____ and _____ had about twice as many as the average of their classmates.

Offenses against discipline are divided into seven classes, for each of which a fixed number of demerits is given. Cadets are stimulated to observe the regulations by dividing them into three grades according to conduct, each grade being given certain privileges. In the first class the first grade requires that a cadet shall obtain less than 18 demerits in six months; the second grade less than 42; and the third grade includes those who exceed the latter limit. In the third class these limits are 24 and 54, respectively. As showing how readily excessive demerits may be avoided, it can be stated that about 75 per cent of each class is habitually in the two upper grades.

It has been the practice of the academic board, therefore, to regard a deficiency in conduct as final, and as one of the most satisfactory proofs that can be secured of the unfitness of an individual for the military career. Deficiency in conduct is a clear evidence, after a certain period of probation, of a want of a proper sense of responsibility and subordination, which in the cases of the two first class men under consideration led to flagrant and overt acts against discipline. They could not have been ignorant of the fact that they had received many reports and were in more or less danger of deficiency. As long ago as last August the superintendent took occasion to publish a special order to the corps of cadets warning all of the necessity of the exercise of extreme care in regard to their conduct. In spite of and in defiance of these facts these cadets deliberately committed an offense carrying the maximum number of demerits.

As stated above, the case of Cadet — is one of deficiency in studies and not in conduct. He stood at the bottom of the cadets, deficient in mathematics and drawing, after final examination for proficiency.

The academic board, with a long and intimate experience of the disciplinary methods of this institution, and the effects upon the cadets of unusual leniency, respectfully asks an earnest consideration of the very serious effect upon the morale of a body of young men who are being educated to high standards of conduct and of honor in seeing the disciplinary standards of the institution set aside in spite of the warnings of experience and the admonitions of their superior officers. If the young gentlemen of the corps feel that upon every occasion when they have brought upon themselves the penalties of failure, and when, after the administration of the institution has conscientiously sat in judgment upon their status, a reversal can be obtained by an appeal to higher authorities, the administrative authority of the institution is brought into contempt and the powerful influences which an impartial operation of the governing mechanism of military education should bring about is nullified.

The board finds a growing tendency on the part of all those who, from one cause or another, have failed to come up to the standards of this institution to endeavor to secure by a presentation of their case and an appeal to the sympathies of friends in authority a reversal of judgment in their favor. The board believes that it is of the highest importance, in order that the standards and traditions of this institution may be maintained, that the hands of the academic authorities should be upheld. The academic board, far from being austere or harsh in its action upon cases of deficiency, either in conduct or studies, endeavors on the contrary to be most lenient, and acts only after long deliberation and careful inquiry into all the conditions surrounding each individual case.

If, after a consideration of this statement, the President is still of the opinion that leniency should be exercised in these cases, the board, in deference to the judgment and wishes of the President of the United States, recommends with reluctance that Cadets — and — be suspended without pay and allowance until January 1, 1910, and at that time turned back to join the then first class; that Cadets — and — be suspended without pay and allowances until August 28, 1909, and at that time turned back to join the then third class; that Cadet — be turned back to join the present fourth class immediately.

H. L. SCOTT,
Colonel, United States Army, Superintendent,
President Academic Board.
J. S. HERRON,
Captain, Second Cavalry, Adjutant,
Secretary Academic Board.

The judgment of the academic board was not swayed; they were still convinced that the law ought to be enforced. They say so in that letter, which I earnestly commend to the consideration of every Member of this House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. I ask for two minutes more.

The CHAIRMAN. The gentleman asks that his time be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. They earnestly state that the discipline of the academy, the existence of the academy, the usefulness of it, is seriously imperiled by the unwillingness of those in authority, those high up in authority, as they say, to permit the orderly, ordinary execution of the laws which we have passed, and the enforcement of the regulations made under those laws.

Mr. Chairman, I think that the academy is big enough. I believe that opportunities ought to be left to the cadets of high schools, to the graduates of colleges, and to the graduates from our national guard to get commissions in the army. I do not believe in making too small and select a circle from which the officers of the United States Army are to be drawn. I believe the experience of the country shows that in the past we have secured from civil life some of the most efficient military men ever known in history in this or any other country. I believe the academy is big enough; and if Members will exercise due diligence in sending to the academy young men who are fit morally, physically, and mentally, we will graduate as many officers from that academy as the Government will need plus those secured from civil life.

Mr. HULL of Iowa. Mr. Chairman, I submit that this debate is all out of order and has been proceeding by unanimous

consent; but I did not like to raise the point of order against members of the committee, and I will now ask the Clerk to read.

The Clerk read as follows:

For extra pay of one sergeant of engineers, acting first sergeant, \$108.

Mr. POLLARD. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Iowa a question in reference to these enlisted men to which this extra pay is granted. Are they from the Regular Army, or are they cadets detailed?

Mr. HULL of Iowa. They are from the Regular Army. The establishment at West Point is distinct from the Regular Army in this, that it is almost a permanent force there. They have more married men there. They take the older class of enlisted men, and a great many men are enlisted in order to get this extra pay. They provide quarters for married enlisted men at West Point, which is not done elsewhere. It is part of the Regular Army that are not ordered away, except in the cavalry and infantry.

Mr. POLLARD. Are they men who have been in the service a long period and transferred when they are incapacitated for other service?

Mr. HULL of Iowa. Not at all. They are entirely incapacitated for work. The theory of the Government is to discourage married enlisted men in the army at large; but where a good soldier is married he is transferred to West Point. That is, he can be transferred there.

Mr. POLLARD. I withdraw the pro forma amendment.

The Clerk read as follows:

In all, for pay of Military Academy band, field musicians, general army service, cavalry detachment, artillery detachment, enlisted men on detached service, and extra pay of enlisted men on special duty at the Military Academy, \$188,415.33.

Provided, That the extra pay provided by the preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or army regulations.

Mr. SULZER. Mr. Chairman, I rise to say a few words for the soldiers and the sailors of the Union, for the bravest men on land and sea that ever faced a foe, for those heroic men who saved the Republic from destruction during the darkest hour in all our history. They need no eulogy. The glorious Union is their everlasting monument. For ages yet to come their achievements will be sung in song and story.

Nearly fifty years have passed since the close of the great civil war—a conflict unparalleled in the annals of time. More than two-thirds of the soldiers and the sailors who participated in that tremendous struggle have been gathered to the fathers, and those that remain will soon cross the "great divide" to join their comrades on "fame's eternal camping ground." During the few years they will be with us on earth I believe it is the duty of the Government to care for those in poverty and distress and to see to it that none lack the necessities of life. The Government owes the volunteers for the Union a debt of gratitude it can never pay, and gratitude to these men should be the fairest flower that blossoms in the great heart of our reunited country. Our soldiers and our sailors should be generously treated by the Government they did so much to preserve. That is the least we can do for them in their declining years. Those that are incapacitated and dependent should be liberally pensioned, and their widows and orphans should be the wards of the Republic. As Lincoln said, the Nation should care for those who have borne the battle and for their widows and orphans, so that none shall be left in want and destitution.

I am now, always have been, and always will be the friend of the soldiers and the sailors of the Union. I am proud of the fact that I am called the "old soldiers' champion;" and I want to say again what I have frequently said on the floor of this House, that in Congress or out of Congress, the men who saved the Union can always depend on me to do all in my power to see to it that they get their just rights and the thanks of a grateful Republic.

For several years these brave old veterans have been trying to enact a law known as the "volunteer retired list bill." I have done all in my power to aid them in their struggle. This year after a hard fight I succeeded in reporting a bill favorably from the Committee on Military Affairs. My report is now before the Congress, and the bill is slumbering on the calendar of the House, and will sleep there, I am sorry to say, until this Congress adjourns on March 4. The fault is not mine. I would make the bill a law to-day if I could. For reasons unnecessary for me to express at this time that bill can not pass this Congress. However, I indulge the hope that some bill along similar lines will pass the next Congress and become a law. With that end in view I shall, just as soon as the extraordinary session of the Congress convenes, on the 15th day of next March, re-introduce the bill I have carefully prepared, and which I now send to the Clerk's desk and ask to have read.

The Clerk read as follows:

A bill (H. R. 28337) to create in the War and Navy Departments, respectively, a roll to be known as the "Volunteer officers' retired list," to authorize placing thereon with pay surviving officers who served in the Volunteer Army, Navy, or Marine Corps of the United States in the civil war, and who are not now on the retired list, and for other purposes.

Be it enacted, etc., That upon written application to the Secretary of War, or to the Secretary of the Navy, and subject to the conditions and requirements hereinafter contained, the name of each surviving officer who served in the Volunteer Army, Navy, or Marine Corps of the United States in the civil war, shall be entered on a roll to be known as the "Volunteer officers' retired list." Each person so entered shall have served with credit as an officer in said Volunteer Army, Navy, or Marine Corps in the civil war, and shall have been honorably discharged, and shall not have been retired; said application to be accompanied with proof of identity of the applicant, and both the application and proof to be under oath.

SEC. 2. That each applicant whose name shall be entered upon said list shall be entered as of the highest mustered rank held by him while serving in said Volunteer Army, Navy, or Marine Corps, and when so entered on said list he shall be paid, out of any money in the Treasury not otherwise appropriated, as follows: From the time that he attains the age of 64 years, \$50 per month; from the time he attains the age of 70 years, \$75 per month; and from the time he attains the age of 76 years, \$100 per month during the remaining period of his natural life, such pay to begin on the date of filing his said application with the Secretary of War or the Secretary of the Navy: *Provided*, That this act shall not apply to any officer while serving as an official or employee of the United States or any state or municipal government or whose income from any source exceeds \$1,200 per annum.

SEC. 3. That each person who shall receive pay under this act shall thereby relinquish all his right and claim to pension from the United States after the date of filing said application, and any payment of such pension made to him covering a period subsequent to the filing of his said application shall be deducted from the amount due him on the first payment or payments under this act. The pay allowed by this act shall not be subject or liable to any attachment, levy, lien, or detention under any process whatever, and persons whose names are placed upon said roll shall not constitute any part of the United States Army, Navy, or Marine Corps.

SEC. 4. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, that bill speaks for itself. It is just and honest and fair and square. No liberty-loving citizen should object to it. I believe it meets with the approval of the soldiers and sailors of the Union—of those that are left of the Grand Army of the Republic—and I shall do everything in my power to make it a law before the Sixty-first Congress shall adjourn on the 4th of March, 1911, and to this end I invoke the aid of every friend of the soldiers and sailors of our country.

Sir, every sentiment of my heart impels me to say that the surviving volunteer officers who served with credit during the civil war are entitled to receive honors and emoluments equal to those which have been bestowed upon any officers who have served in defense of the country. It must be recognized that in time of war reliance has been had upon volunteers to bear the heat and burden of the conflict, and that it has always been, and will no doubt be to the end, the policy of the Government to maintain a small Regular Army. The civil war involved the perpetuity of the Union. The Union was preserved and the national authority maintained at the end of the greatest war of the world, in which more than two millions of volunteers marched and fought under the triumphant banner of their country.

A great reunited people now owe their repose and peace at home, their phenomenal progress and prosperity, their commercial success, and their influence abroad to the preservation of the Union. I invite particular attention to the fact that this proposed legislation has received the approval of a very large number of prominent and influential men in various parts of the country. The petitions of these citizens are now in the hands of the military committees of the two Houses. Public opinion favors this legislation, and the legislatures of the States of Illinois, Ohio, New York, Michigan, Nebraska, Colorado, Wyoming, Utah, and Kansas, by unanimous votes, have passed resolutions indorsing it, and requesting the Senators and Representatives from these States to vote for the enactment of a volunteer retired list law. The bill should have been passed and enacted into law long ere this. Patriotism commands it. Gratitude demands it. Let us do our duty and pass the bill.

And now, Mr. Chairman, that is all I care to say at this time in connection with this matter, but ere I take my seat I ask unanimous consent to print in the RECORD, as part of my remarks, several letters from distinguished volunteer army officers in favor of this legislation. These letters are similar to dozens I am receiving weekly from all over the country, and they speak eloquently for justice to the soldiers and sailors of the Union.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and the request is granted.

The letters follow:

235 WEST ONE HUNDRED AND SECOND STREET,
New York, February 22, 1909.

HON. WILLIAM SULZER, M. C.,
Washington, D. C.

DEAR MR. SULZER: Through the courtesy of my old comrade, our esteemed mutual friend, Colonel Lowry, I have a copy of your

bill to create a volunteer retired list, and as a party in interest I sincerely thank you for your wise, patriotic, and energetic efforts in that direction. While this bill does not make the same allowance for the surviving officers of the civil war that had been so deservedly extended to those of the Revolution by the acts of 1828 and 1832, granting them full pay during life, if the Government of the country that we fought to protect through all the perils of a terrible war, without counting any risk of life or financial sacrifice, is not willing or can not afford to do us justice, we must be grateful for what we can get and be content with the thought that "half a loaf is better than none," but we want that half loaf now, while we are alive to eat it. I was wounded nine times in battle and know whereof I speak.

The question of other necessary large appropriations should, in my opinion, not be allowed to cause delay, for the Government had to issue bonds to raise funds to prosecute the war and it can do so now to help those who had volunteered their lives in her service.

Gen. Edwin L. Hayes, who is in his ninety-first year, called to see me last Friday. He has a brilliant war record, but is physically feeble and financially needy. I read him your bill, and he answered:

"Please thank Mr. SULZER for me, but tell him, for God's sake, to have the bill passed at this session, for I do not expect to live until the next."

There are hundreds of similar cases that should not be suffered to plead in vain to the heart of our great Nation. Private soldiers, on an average, now receive as much in pensions as they received pay during the civil war, while officers do not receive one-tenth of their former pay.

Although it takes private soldiers to make generals and win battles, it required good officers and hard, persistent work to convert the raw material into the brave, efficient soldiers that won the battles of the civil war.

You are known throughout the land as the "soldier's friend," and can you not add one more golden link to the long chain of noble deeds for which we owe you love and gratitude and have your bill enacted into law at this session of Congress?

With esteem and best wishes,
Very truly, yours,

SAML. K. SCHWENK.

PHILLIPSBURG, N. J., November 30, 1908.

HON. WILLIAM SULZER, Esq.,
New York City,

DEAR SIR: I have been told that you are drawing up a bill having for its object the placing of the ex-officers of the United States Army, Navy, and Marine Corps who served during the late civil war on the retired list and treated in every respect with the same honors and considerations shown to the regular officers who served in that war. In one of the bills introduced last winter for the army it made it obligatory to have served eighteen months. Another bill made the time limit one year.

I have for years been a medical examiner—United States pension surgeon—and to secure a pension ninety days' service is required. In your bill I would suggest as a time limit six months or nine months, as it is not fair to exact a year or eighteen months for those who went and did their duty and stayed in until the end of the war. They should be entitled to be placed on the retired list, as it was not their fault that the war was over and they mustered out. If in your bill you exact a six months' service, that would be all right.

A second suggestion is this: In one of the bills of last winter the officer must have resigned or been honorably discharged on or before July 15, 1865. This is not right, for the Government could not disband so large an army and navy in so short a time. I was in the navy and not discharged until August 10, 1865, and others on my ship and some I know of not until September and later. At this point I would suggest that to be placed on the retired list they must have entered the service on April 15, 1861, and resigned or been honorably discharged prior to October 1, 1865, or December 31, 1865.

A third suggestion—as to being retired on the rank one grade higher than the highest grade attained in the service. This is the rule in the navy, I know, and I believe the same applies to the army. All officers, as a mark of honor, especial honor of the Regular Navy, on being retired and who served for any length of time in the civil war are retired one rank higher than the highest in which they served. No other naval officers who are placed on the retired list of the navy—and I think the army—are given this extra rank on retirement. It is a special mark of appreciation and honor, intended only for the regular officers who served in that war.

Now, if regular officers are given this special mark of appreciation and honor, should not volunteers on their being retired be treated with the same consideration and respect and have equal honors with the regulars for their (the volunteers) service in the same war?

I would suggest, therefore, when drawing your bill, that you incorporate in it this special honor, making, as I presume you intend to, that the volunteer shall be in every respect on the same footing and with equal consideration and respect and with the same honors accorded to the regulars. I have had all the papers from the Navy Department relating to naval officers' retirement, and know just what I am writing about. I ask and hope that you will give my suggestions your careful consideration, and hope you may decide to incorporate them in your new bill. I am, sir,

Very truly, yours,

J. A. PETRIE, M. D.

PHILLIPSBURG, N. J., November 30, 1908.

HEADQUARTERS CAMERON POST, 79,
DEPARTMENT NEW YORK, G. A. R.,
New York City, February 22, 1909.

HON. WILLIAM SULZER, M. C.,
Washington, D. C.

DEAR SIR: I have just been reading a copy of your bill to authorize placing on the retired list certain surviving officers of the United States Volunteer Army. I wish to thank you for your tireless labor in our behalf, and assure you that I am firmly impressed with the justice of this proposed measure and believe that the passage of such a worthy and righteous act should be secured soon as possible. I know many worthy surviving officers who are earnestly interested in the enactment of such a bill; some that are not able to work, and others who can not find employment and are living on charity and slowly starving. May God help you in this good work.

Very sincerely, yours,

LUCIUS E. WILSON,
Commander Cameron Post, 79, G. A. R.

67 West Eleventh street.

Richard H. Bermingham, recording secretary, 56 West Ninety-third street; William A. Peet, financial secretary, 52-54 Park street; Sixty-third, Sixty-ninth, Eighty-eighth, Fourteenth, and Fifteenth batteries, New York, Twenty-eighth Massachusetts and One hundred and sixteenth Pennsylvania Volunteers, comprising Meagher's Irish brigade, Col. James J. Smith, honorary president, New Sixty-ninth Regiment Armory, Lexington avenue, between Twenty-fifth and Twenty-sixth streets.

NEW YORK, February 24, 1909.

HON. WILLIAM SULZER, M. C.

MY DEAR MR. SULZER: Your favor of the 16th, together with the copies of the volunteer officers' bill, came duly to hand. I have seen quite a number of the ex-officers, and all of them approve of the bill, without an exception, and will cheerfully aid you to the best of their ability in making it a law. I want to say that we all know that you are our consistent friend and fully appreciate your efforts in our behalf, and thank you most cordially for the same. Wishing you success in every direction, and with kindest wishes and best regards,

I am, very truly, yours,

JNO. R. NUGENT,

35 Mount Morris Park West, New York City.

Illinois and Chicago Volunteer Retired List Committees, Joseph B. Leake, brevet brigadier-general, president; F. A. Battey, lieutenant-colonel, Fifty-seventh Illinois Volunteer Infantry, secretary and treasurer. Vice-presidents at large: Samuel Fallows, brevet brigadier-general, Chicago; James A. Connelly, major One hundred and twenty-third Illinois Volunteer Infantry, Springfield. Vice-presidents of congressional districts: First district, Col. W. L. Barnum, 174 Dearborn street, Chicago; second district, Capt. M. J. Sheridan, 4351 Calumet avenue, Chicago; third district, Capt. James G. Everest, 6611 Yale avenue, Chicago; fourth district, Lieut. Joseph S. Smith, Forty-fourth street and Center avenue, Chicago; fifth district, Bvt. Brig. Gen. Charles T. Hotchkiss, Chicago; sixth district, Adj. Edward A. Blodgett, 510 West Monroe street, Chicago; seventh district, Col. John W. Bennett, 122 South Central avenue, Chicago; eighth district, Lieut. Robert S. Bennett, 138 West Monroe street, Chicago; ninth district, Maj. William Eliot Furness, 417 Orchard street, Chicago; tenth district, Maj. E. D. Reddington, Evanston; eleventh district, Lieut. E. W. Willard, Joliet; twelfth district, Capt. J. August Smith, Rockford; thirteenth district, Maj. George S. Avery, Galena; fourteenth district, Lieut. W. H. Sexton, Monmouth; fifteenth district, Lieut. George M. Janes, Quincy; sixteenth district, Lieut. H. M. Trimble, Princeton; seventeenth district, Gen. George F. Dick, Bloomington; eighteenth district, First Lieut. Samuel F. Wilson, Neoga; nineteenth district, Maj. F. L. Hays, Decatur; twentieth district, Capt. W. A. Kirby, Jacksonville; twenty-first district, Lieut. B. R. Hieronymus, Springfield; twenty-second district, Maj. William R. Prickett, Edwardsville; twenty-third district, Capt. C. D. Kendall, Newton; twenty-fourth district, Capt. C. M. Lyon, McLeansboro; and twenty-fifth district, Capt. N. B. Thistlewood, Cairo.

ROCKFORD, ILL., February 22, 1909.

HON. WILLIAM SULZER,
Congressman from New York.

HONORABLE SIR: From Col. F. A. Battey, of Chicago, Ill., I learned that you had introduced a new bill to Congress in the interest of the civil-war officers.

As vice-president of the twelfth congressional district of Illinois, I extend to you the thanks of the civil-war officers in this congressional district, and hope that your bill will become law.

Respectfully,

J. AUGUST SMITH,
1121 North Church street.

JANUARY, 1909, LIST OF SURVIVING MAJOR-GENERALS AND BRIGADIER-GENERALS OF VOLUNTEERS OF THE CIVIL WAR.

The following printed list, prepared January, 1909, gives the name and age of 2 major-generals and 25 brigadier-generals of volunteers, the survivors of 131 major-generals and 549 brigadier-generals of volunteers appointed and who served during the civil war.

There are now only 2 major-generals and 25 brigadier-generals of volunteers surviving who are eligible to the provisions of the volunteer-retired list bills now pending before Congress:

Name.	Address.	Age at birthday after January 1, 1909.
MAJOR-GENERALS OF VOLUNTEERS.		
Dodge, Grenville M.	New York, N. Y.	78
Stahl, Julius.	do.	83
BRIGADIER-GENERALS OF VOLUNTEERS.		
Ames, Adelbert.	Lowell, Mass.	74
Andrews, Christopher C.	St. Paul, Minn.	80
Beatty, John.	Columbus, Ohio.	81
Bussey, Cyrus.	Washington, D. C.	76
Catterson, R. F.	Minneapolis, Minn.	74
Chamberlain, Joshua L.	Brunswick, Me.	81
Chetlain, August L.	Chicago, Ill.	85
Clayton, Powell.	Eureka Springs, Ark.	76
Connor, Selden.	Augusta, Me.	70
Cook, John.	Ransom, Mich.	84
Cooper, Joseph A.	St. Johns, Kans.	86
Curtis, Newton M.	Ogdensburg, N. Y.	74
Grant, L. A.	Minneapolis, Minn.	80
Gregg, D. McM.	Reading, Pa.	76
Harland, Edward.	Norwich, Conn.	77
McCook, Edward M.	319 Broadway, New York, N. Y.	74
McGinness, G. F.	Indianapolis, Ind.	83
Nickerson, Frank S.	Needham, Mass.	83
Paine, Charles J.	613 Sears Building, Boston, Mass.	76
Pierce, Byron R.	Grand Rapids, Mich.	80
Raum, Green B.	Chicago, Ill.	80
Seward, William H.	Auburn, N. Y.	70
Shaler, Alexander.	Ridgefield, N. Y.	82
Smith, William Sooy.	Monadnock Block, Chicago, Ill.	79
Webb, Alexander S.	Riverdale, N. Y.	74

Mr. SULZER. It is at present impossible to give the number of colonels, lieutenant-colonels, majors, captains, and lieutenants of volunteers during the civil war who are living, but it is suggested the proportion as above would be about the same.

The Clerk read as follows:

For pay of one clerk to the adjutant, \$1,500.

Mr. MACON. Mr. Chairman, I reserve a point of order against lines 1 and 2, on page 13. I am advised that that is an increase of salary.

Mr. HULL of Iowa. It is an increase of \$300 a year. The academy urged us to increase it to \$1,800, on account of the long service and special fitness of this clerk. We compromised by making it the same salary as the other clerks of his grade.

Mr. MACON. How many increases have you made in this bill?

Mr. HULL of Iowa. Very few; and this is one of them. When you come to civilian employees, like engineers and other skilled labor, we had to increase them on account of the increased work put upon them. I believe this is the only increase in the salary of a clerk. They tried to get the salary of this clerk raised last year, but the committee did not believe they could do it then. As a matter of justice in connection with his work, under the evidence, we believed he ought to have the \$1,500. As I say, the department urged us to increase it to \$1,800.

Mr. SULZER. In reply to the gentleman from Arkansas [Mr. MACON] I desire to say that this clerk is one of the most efficient and competent clerks at West Point. He is doing a great work, and the pay he is getting is very inadequate for the work he is doing. In my judgment, instead of getting \$1,500 a year, he is entitled to at least \$1,800 a year. The officers at West Point requested that he be paid \$1,800 a year, because he is worth it.

Mr. HULL of Iowa. I should like to refer my friend to page 211 of the estimates.

Mr. MACON. One minute, if the gentleman will excuse me, while I ask the gentleman from New York [Mr. SULZER] a question.

Mr. HULL of Iowa. Certainly.

Mr. MACON. I notice on page 14, line 7, an increase of the salary of an engineer from \$1,500 to \$1,800. Can the same be said about the engineer, that he is so necessary and so efficient—

Mr. HULL of Iowa. When we reach that, the gentleman can raise the point.

Mr. MACON. I was inquiring of the gentleman from New York, who was insisting that this clerk was so efficient that it was absolutely necessary to increase his salary, if the same could be said about this engineer whose salary has also been increased?

Mr. SULZER. I will say to the gentleman from Arkansas that the comments I made with reference to this clerk will apply with equal force to the engineer. He is being paid entirely too little for the work he is doing.

Mr. MACON. Now I yield to the chairman of the committee.

Mr. HULL of Iowa. If the gentleman will look on page 211 of the Estimate he will find this note:

An increase of \$600 is asked for, and is deemed proper for the reason that this clerk has recently been appointed chief clerk of the adjutant's office, and the rate of pay is recommended that he may receive a salary commensurate with the duties and responsibilities of his position. He has been employed as a clerk in the adjutant's office since 1872, and has earned the promotion which has been bestowed upon him.

They promoted him to chief clerk, increasing his duties; but in any event the office of adjutant is always of enough importance for the clerk to get as much salary as the clerks for the other departments.

Mr. MACON. Can the gentleman give me some idea of the total increases of salaries in this bill?

Mr. HULL of Iowa. I would not call an increase to an engineer or plumber an increase of salary.

Mr. MACON. This is an increase from \$1,500 to \$1,800. I call that an increase of \$300.

Mr. HULL of Iowa. This is an increase of \$300 for this one office.

Mr. MACON. But the salary of this engineer has also been increased from \$1,500 to \$1,800.

Mr. HULL of Iowa. I think that \$300 is more than made up by dispensing with another officer there, which I can explain when I reach it. Of course I would not want to talk offhand about all these matters; and when we reach it I will try to give the gentleman the information.

Mr. MACON. Will the gentleman give me some idea of the total amount carried in the bill as increases of salaries?

Mr. HULL of Iowa. I should think \$2,000. We have been very parsimonious in the preparation of this bill.

Mr. MACON. That is all. I withdraw the point of order. The Clerk read as follows:

For pay of one draftsman in department of civil and military engineering, \$1,000.

Mr. KAHN. Mr. Chairman, I move to amend line 14, page 14, by inserting, after the word "thousand," the words "two hundred," so that it will read "\$1,200."

The Clerk read as follows:

Insert on page 14, line 14, after the words "thousand," the words "two hundred," so that it will read "\$1,200."

Mr. KAHN. That is the salary that is being paid at the present time to this inspector. It was a mistake of the copyist.

Mr. MACON. And there is no increase?

Mr. KAHN. No increase at all.

The amendment was agreed to.

The Clerk read as follows:

In all, to civilians employed at Military Academy, \$77,058.

Mr. HULL of Iowa. Mr. Chairman, I ask to correct the total in line 10 by adding \$200 to the total.

The Clerk read as follows:

Page 17, line 10, after the word "thousand," insert the words "two hundred."

The amendment was agreed to.

The Clerk read as follows:

Total pay of Military Academy, \$627,153.33.

Mr. HULL of Iowa. Now I move that the total be amended to correspond with the \$200 added.

The CHAIRMAN. Without objection, the total will be corrected.

There was no objection.

The Clerk read as follows:

For maintaining the children's school, the Superintendent of the Military Academy being authorized to employ the necessary teachers, \$3,520.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word in order to get some information as to what is meant by this children's school.

Mr. HULL of Iowa. Congress established a children's school at West Point. It is largely for enlisted men's children. There are, as I understand, over 200 children there now; my friend from Texas [Mr. SLAYDEN] can perhaps state better about that, as he has just been there.

Mr. SLAYDEN. There are more than that.

Mr. HULL of Iowa. Before that they were compelled to go to Highland Falls, and the people there protested against their being sent there, and Congress, after fighting over it several years, finally established this school. This is a continuation of the same work started a year ago.

Mr. COX of Indiana. And this school is for children of the employees of the academy?

Mr. HULL of Iowa. For anybody who is on the academy grounds.

The Clerk read as follows:

For necessary alterations to frame building on the recently purchased "Dassouri" property to convert into quarters for gardener's house (submitted), \$1,000.

Mr. HULL of Iowa. Mr. Chairman, in line 5, page 30, I move to strike out the word "submitted."

The Clerk read as follows:

Line 5, page 30, strike out the word "submitted" in parentheses.

The amendment was agreed to.

The Clerk read as follows:

Total buildings and grounds, \$1,724,035.

Mr. SLAYDEN. Mr. Chairman, this bill is about to be concluded, and before it is I want to congratulate the chairman for bringing in and getting through a bill with the apparent approval of the entire House, and on the skill which he has manifested in steering it through. I also want—because I am afraid I shall not have another occasion, and no one else would think of it—to take a little credit to myself for one feature of the bill.

Gentlemen will have observed that the item to pay the cost of the committee referred to as the "Board of Visitors" is \$1,000. In the bill last passed it was \$2,000, and previous to that it was \$3,500 a year. The actual expenses incurred by the visitors to the academy on the occasion of the last visit a few weeks ago was something under \$500. This very item, in my judgment, is now twice as large as it need be.

Mr. MANN. Will the gentleman yield for a question?

Mr. SLAYDEN. Certainly.

Mr. MANN. Can the gentleman inform us how many times the Board of Visitors make a trip to West Point?

Mr. SLAYDEN. Mr. Chairman, I think perhaps I know what the gentleman has in mind, and if I am not correct he can set me right. The law contemplates one visit a year by the Board of Visitors. But the present board passed a resolution, or on a motion, which is not law, however, agreed to adjourn to meet again in June. Under what conditions they will go there I do not know.

Mr. PARKER. I do not understand it so with respect to the call of the chairman, and we expect to hold a meeting next Wednesday to determine on that question.

Mr. SLAYDEN. The report shows that the motion was to adjourn and to assemble again at the academy in June. I speak from memory, but think I am right.

Mr. PARKER. The record is to assemble at the call of the chairman.

Mr. MANN. It is admitted they have adjourned to meet again and go to West Point again?

Mr. PARKER. No; it is not.

Mr. MANN. Is it contemplated that this Board of Visitors shall make two trips to West Point instead of one?

Mr. PARKER. I shall propose at the next meeting—and of course this is not yet arranged—that not more than three or five of the committee shall attend in June in order to act as a visiting board at that time.

Mr. MANN. Does that limitation of numbers include the wives?

Mr. SLAYDEN. Mr. Chairman, as this is all going on in my time I presume I have a right to ask a question. It makes no difference how many gentlemen go to the academy in June, as they will perhaps go at their own expense, the work of the Congress being done. I see no public reason why a second visit should be made. This discussion brings up the point of when visitors should go to the academy. I have my views about that, and other gentlemen have different views. My own impression is that they ought to go during the working season. I do not believe they ought to go there when the academy is on parade—that is, if they go for the information of Congress.

Mr. MANN. In other words, the gentleman thinks they ought to go to investigate and not to attend a hop.

Mr. SLAYDEN. That is it exactly. That is the distinction, and the gentleman has drawn it very clearly and sharply. If they go in June they have a better time. Then the grass is green and the sun is shining, and there are a great many agreeable visitors there, and it is an exceedingly pleasant occasion; but the argument that they would go there and see the classes and go into the recitation rooms, and so forth, has no influence on my mind, because, with all due respect to the attainments of the Members of Congress, I doubt if one in five would know what was going on anyway if he got into one of the classrooms. I do not believe that the people who make the argument are impressed by it. They seek to justify the visit in June in order to have a good time.

Mr. ANTHONY. Mr. Chairman, I would like to ask the gentleman from Texas if he has noted the language of the superintendent in his report in regard to this question? I notice here that he says he is opposed to the Congressmen composing this Board of Visitors, that he prefers distinguished visitors. In other words, that he does not believe that the common, garden variety of Congressmen are really distinguished visitors. As the gentleman is on that board, I would like to ask him if he has read the report?

Mr. SLAYDEN. I have no personal resentment because of the language of the superintendent, with reference to the character of the board, but I do object to his recommendation for this reason: Congress, after having considered it for a long time, amended the statutes. Before there was an opportunity to try what would be done under that new law, before there was an opportunity to test it, the Superintendent of the Military Academy, learned and trained in the law, I dare say, recommended that the old policy be returned to. He set his judgment up against that of the entire Congress and advised us to repeal a law that had commended itself to the judgment of both Houses before it could be put in operation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Was not the reason for that, that he used to be consulted about who would be appointed, and thus have a chance to appoint some of his friends, and that now he is not?

Mr. SLAYDEN. Mr. Chairman, I can not answer that question. Those were places that went to the administration, and as I have never been inside the fold I can not say. But he did

recommend before it had been tried that a law of Congress enacted without opposition should be repealed. I think it almost approaches impertinence, though not meant to be so, of course. In view of what has actually been done, in view of the entirely satisfactory working of the law, in view of the manifest economy, it ought to be continued, and I believe that it ought to be strengthened. Whether the Board of Visitors should be reduced, as suggested by the gentleman from New Jersey [Mr. PARKER], is a question for Congress to determine. I wrote the amendment originally, and I provided for exactly the number now suggested by my friend from New Jersey [Mr. PARKER], but it was subsequently increased in the other body. I think a smaller subcommittee would do as well and it would cost less.

Mr. CAMPBELL. Is this superintendent absolutely necessary to the service at the Military Academy?

Mr. SLAYDEN. I hardly think so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I would like to ask the gentleman from Texas if, in his judgment, the visit of the committee at that time interfered with the academy work, as also intimated by the superintendent?

Mr. SLAYDEN. No; my colleague from New Jersey has just answered "not a bit," and I entirely indorse what he says. On the contrary, we dispatched the business promptly and satisfactorily, and came back with a better understanding of what the needs of the academy were with reference to this bill than if we had had the superintendent down here. He would have made two trips, mileage and expenses each time, and possibly have had an officer with him. That also has been saved.

Mr. ANTHONY. I also failed to hear the gentleman's reply to my former question upon the difference between distinguished citizens and Congressmen.

Mr. SLAYDEN. Well, Mr. Chairman, I am afraid, now, that a mere Member of Congress will never satisfy the taste of gentlemen who have been so used to "distinguished society." I fear that distinguished society is preferred to economy and mere usefulness. The old style Board of Visitors wrote solemn reports that were published at considerable expense but never read. They were ornamental and distinguished but not useful, and never impressed the Congress.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that all that part of the bill commencing with line 24, on page 30, down to and including line 15, page 31, be stricken out without reading. I will say that the Congress has agreed on an exact provision and it is simply a waste of time to read the provision, so I ask unanimous consent that it may be stricken out.

Mr. SULZER. Mr. Chairman, before the motion of the gentleman from Iowa [Mr. HULL] is put I want to say just a word. It is well known that recently the Congress passed a bill, which is now a law, to accept the substantial gift of Mrs. Russell Sage of Constitution Island, in the Hudson River, and that the same be made a part of the military reservation at West Point. When this legislation was under consideration I thought that, on account of the great value of the donation, the least the Congress could do would be to record a vote of thanks to Mrs. Sage. For some reason this was not done. I for one think that omission was a mistake. Mrs. Sage is to-day one of the noblest women in all the world. She is the grandest example in our land of what a rich woman with noble impulses can accomplish for good. She is doing a most commendable and beneficent work along charitable and humanitarian lines. She is entitled not only to the thanks of the Congress for the gift to the Government of Constitution Island, but, in my opinion, she is entitled to the thanks of every true American for the great and the grand and the glorious work she is doing for humanity. God bless Mrs. Sage! God spare her life to do good for many, many years to come! [Loud applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. HULL of Iowa. Mr. Chairman, just one word before I move that the committee rise, and that is in reference to the Board of Visitors' business, which has been under discussion here. I want to say this for the new plan, that we have never yet had such information or such valuable information as we had in the preparation of this bill this year as a result of Members of Congress going to West Point and discharging the duties for which they were sent there in place of discharging the duties of great social occasions. Now, Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be adopted and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STERLING, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28059) making appropriations for the support of the Military Academy, and had directed him to report the bill with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any one of the amendments? If not, the vote will be taken on the amendments in gross.

The question was taken, and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HULL of Iowa, a motion to reconsider the last vote was laid on the table.

RIVERS AND HARBORS BILL.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes.

Mr. KEIFER. Mr. Speaker, I would like to know whether there is to be general debate on this bill.

The SPEAKER. The Chair can not inform the gentleman. Mr. BURTON of Ohio. I would state that it is the earnest desire of the committee that the bill be passed this evening.

Mr. KEIFER. If this be so, it is the earnest desire of a good many Members around me that we should pass the bill after we have given it some proper consideration, and if we can not get it we will have to insist on staying here all night before we will agree to pass this bill.

If we can not get that, we will have to insist on sitting here all night before we will agree to pass this bill. If we can have a fair amount of debate to-night, I shall make no unreasonable objection.

Mr. BURTON of Ohio. I would state that a bill from the committee of which my colleague is a member—the sundry civil bill—is to be considered, as I am informed, on Monday; so that if this bill is disposed of, it will have to be disposed of to-day or else take its chances at a later time.

Mr. KEIFER. I will be willing to consider this bill, but we are not willing to take it and pass it in its present state without full consideration; and we can not more than give the gentleman notice that we shall use every means we have to prevent its passage until we have a discussion.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of Union.

Mr. CLARK of Missouri. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Can not we agree upon some time, I will ask the gentleman from Ohio, with the permission of the Chair?

Mr. BURTON of Ohio. I have heard from none who desires time in favor of the bill, nor from others opposed to the bill, except from one or two Members who desire to put amendments on the bill.

Mr. CLARK of Missouri. I do not desire to say a word upon the bill myself, but the easiest way is to give these men some time.

Mr. BURTON of Ohio. I ask unanimous consent that general debate close in one hour.

Mr. KEIFER. Two hours.

Mr. CLARK of Missouri. I suggest a compromise between the two; take an hour and a half.

Mr. KEIFER. I understand that it is the object to pass this bill as it is presented. The House may have power to do it, but we want to have some discussion on this matter.

Mr. BURTON of Ohio. How much time does my colleague desire?

Mr. KEIFER. I have just seen the bill this afternoon. I should be satisfied entirely with an hour myself. I do not want to be factious.

Mr. SULZER. How would you like to have it on the 5th of March? [Laughter.]

Mr. MANN. You might as well have it on the 5th of March as insist now.

Mr. KEIFER. I have no objection to the bill being considered in a proper way, but I have no idea that any Member here has read the bill, unless it be a member of the Committee on Rivers and Harbors, and I doubt whether they have all read it. Therefore I think we ought to have some proper considera-

tion in a matter which is carrying in appropriation an amount vastly greater, although it is a mere survey, than the old river and harbor bills carried. We ought to consider it.

Mr. BURTON of Ohio. Mr. Speaker, I modify my request for unanimous consent so that there be two hours of general debate.

The SPEAKER. The gentleman asks unanimous consent that there be two hours of general debate. Is there objection? [After a pause.] The Chair hears none.

The motion to go into Committee of the Whole House on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28243, the river and harbor appropriation bill.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. KEIFER. I object to that.

The CHAIRMAN. Objection is made, and the Clerk will report the bill.

The Clerk proceeded to report the bill.

Mr. BURTON of Ohio (during the reading of the bill). I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. GILHAMS. I object.

The CHAIRMAN. The gentleman objects.

The Clerk resumed the reading of the bill.

Mr. BURTON of Ohio (interrupting the reading). Mr. Chairman, I ask that the reading be suspended for a moment. I should like to inquire if any members of the committee desire to discuss this bill, or any special paragraph of it?

The CHAIRMAN. The gentleman asks if Members desire to discuss the bill.

Mr. FITZGERALD. I shall want to ask some questions in the five-minute debate.

Mr. BURTON of Ohio. On any particular project?

Mr. FITZGERALD. On one or two items in the bill.

Mr. BURTON of Ohio. Would not the gentleman take the opportunity in the discussion that would be provided under a motion to suspend the rules?

Mr. FITZGERALD. I might want to reserve some points of order and make them. I am not joining in any obstructive tactics.

Mr. BURTON of Ohio. I want to know if there is anyone who wants to discuss this bill under the five-minute rule? There is but one answer.

Mr. KEIFER. I am trying to make the second answer.

Mr. BURTON of Ohio. Mr. Chairman, the situation is this: Two members of this committee have desired that a survey for canals, which would be entirely out of place in this bill, should be included in the measure. They were very properly rejected, not only because they do not belong here, but because we have a dozen others quite as meritorious that we felt compelled to turn down. I question whether we should detain this committee and the House here merely to meet such a situation as that if there is no one else who desires to discuss this bill on its merits. Here is a bill that has certain provisions, and it stands or falls on its merits. Now, it seems to me there is no desire for any discussion except for the purpose of obstruction, by reason of disappointment, which has no rational or just basis.

Mr. KEIFER. Mr. Chairman, I ought to be allowed to reply. A moment ago I was called out of the door by a gentleman who desired to have a word with me, and in my absence the gentleman in charge of this bill thought he would get the unanimous consent of this committee and defeat the opposition that I have set up to his bill.

The gentleman in charge of this bill says that the measure that I am interested in has no place on the bill. There are three or four just such provisions in this bill, one of which looks to an improvement which, if made, would cost \$1,000,000,000, while mine, which is not in this bill, and more meritorious, would only cost about \$20,000,000 or \$25,000,000. Now, I am not mistaken. I asked simply for a survey. The gentleman turned it down, and in the presence of this committee says that there is no place as a survey on this river and harbor bill, which is little else than a survey bill, with literally hundreds of survey propositions in it.

The committee has put in the bill a provision for a survey of a ship canal paralleling the Atlantic Ocean from Boston,

Mass., practically to Key West, Fla., two thousand and more miles, I understand, a project which, if carried out, if the improvement were made, would cost a billion dollars. What I wanted to have considered by the House the gentleman thinks should not be considered, and that is a survey for a ship canal between Lake Erie and the Ohio River.

Mr. WILLIAMS. Mr. Chairman, I do not think this method of doing business is conducive either to good order or good humor. I call for the regular order.

Mr. GILHAMS. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GILHAMS. I would like to make a statement.

Mr. WILLIAMS. I have called for the regular order.

The CHAIRMAN. The regular order is demanded. The Clerk will read.

Mr. BURTON of Ohio. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28243, and had come to no resolution thereon.

Mr. BURTON of Ohio. Mr. Speaker, I move that the rules be suspended, and that the House pass the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, with the two amendments which I will send to the Clerk's desk, and that the further reading of the bill be dispensed with.

The SPEAKER. The gentleman from Ohio moves that the rules be suspended, that the further reading of the bill H. R. 28243 be dispensed with, and that the House do pass the bill with the following amendments, which the Clerk will report.

The Clerk read as follows:

Page 12, line 20, strike out the period after the word "eleven," insert a colon, and add the following:

"Provided, That the said dam shall immediately upon its completion become the property of the United States, and that the grantees under the said act of May 1, 1906, shall operate and maintain the other works authorized by the said act in accordance with and subject to the provisions of the act entitled 'An act to regulate the construction of dams having navigable waters,' approved June 21, 1906, so far as the provisions are applicable."

On page 43, after the word "yard," in line 6, insert:

"Channel across Newport News middle-ground bar, with a view to obtaining a suitable depth and width between Old Point and Newport News."

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. KEIFER. I demand a second on this motion to suspend the rules.

Mr. BURTON of Ohio. I ask unanimous consent that a second be considered as ordered.

Mr. MANN. I have no objection to the gentleman from Ohio demanding a second, although I made the demand, if I may have a little time.

Mr. KEIFER. I will give you all the time I have to spare.

The SPEAKER. The Chair recognizes the gentleman from Illinois. Is the gentleman from Illinois opposed to the bill?

Mr. COOPER of Texas. Mr. Speaker, a parliamentary inquiry.

Mr. MANN. I am opposed to part of the provisions of the bill.

Mr. KEIFER. If the gentleman is not opposed to the bill, I think I ought to be recognized. I will give the gentleman from Illinois half my time.

The SPEAKER. The gentleman from Texas rises to a parliamentary inquiry.

Mr. COOPER of Texas. At this time, is it permissible to offer an amendment that is germane to this bill and that has already been favorably reported by the Committee on Rivers and Harbors?

The SPEAKER. It is not, except by unanimous consent.

Mr. COOPER of Texas. Then I ask unanimous consent that I be permitted to offer as an amendment at this time a bill that has this morning been favorably reported by the Committee on Rivers and Harbors.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. BURTON of Ohio. It is true this bill has been reported, but we have reported it as a separate measure, and I should object.

The SPEAKER. Objection is heard.

Mr. MANN. Mr. Speaker, I will yield to the gentleman from Ohio [Mr. KEIFER] to demand a second.

The SPEAKER. Is there objection to a second being considered as ordered?

Mr. KEIFER. I make the point of no quorum.

Mr. BURTON of Ohio. I ask for the previous question.

Mr. KEIFER. There is no previous question when you move to suspend the rules.

The SPEAKER. The point of no quorum is made. Is there objection to ordering a second?

Mr. KEIFER. There is until we find out whether there is a quorum.

Mr. BURTON of Ohio. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. KEIFER. Until we find out whether there is a quorum, I object.

The SPEAKER. The gentleman from Ohio, Mr. BURTON, and the gentleman from Ohio, Mr. KEIFER, will take their places as tellers.

The House divided, and the tellers reported that there were 117 ayes and 2 noes.

The SPEAKER. It appears to the Chair, after inquiry and examination of the House, that no quorum is present. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, the Clerk will call the roll, and as many as are in favor of ordering a second will, as their names are called, answer "aye," and those opposed "no."

The question was taken; and there were—yeas 223, nays 7, answered "present" 12, not voting 143, as follows:

YEAS—223.

Adair	Dixon	Holliday	Olcott
Alexander, Mo.	Douglas	Houston	Page
Alexander, N. Y.	Draper	Howell, N. J.	Parsons
Allen	Driscoll	Howell, Utah	Payne
Ashbrook	Dwight	Howland	Perkins
Barchfeld	Edwards, Ga.	Hubbard, Iowa	Peters
Barclay	Edwards, Ky.	Hubbard, W. Va.	Pray
Bartlett, Ga.	Ellerbe	Huff	Rainey
Bartlett, Nev.	Ellis, Mo.	Hughes, W. Va.	Randell, Tex.
Beall, Tex.	Ellis, Oreg.	Hull, Tenn.	Ransdell, La.
Bede	Englebright	Humphrey, Wash.	Rauch
Bell, Ga.	Esch	Humphreys, Miss.	Reynolds
Bingham	Fassett	Johnson, Ky.	Richardson
Birdsall	Favrot	Johnson, S. C.	Robinson
Bonyng	Ferris	Jones, Va.	Rodenberg
Boutell	Finley	Jones, Wash.	Russell, Mo.
Boyd	Fitzgerald	Kahn	Russell, Tex.
Brantley	Floyd	Kennedy, Iowa	Scott
Brownlow	Focht	Kennedy, Ohio	Sheppard
Burgess	Fordney	Kinkaid	Sherley
Burleson	Foster, Ill.	Kitchin	Sims
Burnett	Foster, Vt.	Knapp	Slemp
Burton, Del.	French	Küstermann	Smith, Iowa
Burton, Ohio	Gaines, Tenn.	Laning	Smith, Mich.
Butler	Gaines, W. Va.	Lawrence	Smith, Mo.
Byrd	Garner	Lee	Smith, Tex.
Calderhead	Garrett	Lever	Snapp
Campbell	Gilhams	Lindbergh	Snodwick
Candler	Gillespie	Lloyd	Sparkman
Capron	Gillett	Longworth	Sperry
Carlin	Godwin	Lovering	Steenerson
Carter	Goebel	McCall	Stephens, Tex.
Cassel	Gordon	McCreary	Sterling
Caulfield	Goulden	McGuire	Stevens, Minn.
Chaney	Greene	McHenry	Sturgiss
Chapman	Griggs	McKinley, Cal.	Sulzway
Clark, Fla.	Griggs	McKinley, Ill.	Sulzer
Clark, Mo.	Gronna	McKinney	Tawney
Clayton	Haggett	McLachlan, Cal.	Thomas, N. C.
Cocks, N. Y.	Hale	McLain	Tirrell
Cole	Hall	McLaughlin, Mich.	Tou Velle
Cooper, Pa.	Hamill	Macon	Townsend
Cooper, Tex.	Hamilton, Iowa	Madden	Underwood
Cooper, Wis.	Hamilton, Mich.	Mann	Volstead
Cox, Ind.	Hamlin	Marshall	Vreeland
Craig	Hardwick	Martin	Wallace
Cravens	Hardy	Maynard	Watson
Crumpacker	Harrison	Mondell	Webb
Currier	Haugen	Moon, Tenn.	Weeks
Dalzell	Hawley	Moore, Tex.	Wiley
Darragh	Hayes	Morse	Williams
Davidson	Hedin	Murdock	Wilson, Ill.
Dawson	Henry, Conn.	Needham	Wilson, Pa.
Denby	Henry, Tex.	Nelson	Woodyard
Denver	Higgins	Nye	Young
Diekema	Hill, Conn.	O'Connell	

NAYS—7.

Booher	Helm	Rucker	Thistlewood
Hay	Hitchcock	Smith, Cal.	

ANSWERED "PRESENT"—12.

Adamson	Gardner, Mich.	McMorrin	Parker
Aiken	James, Ollie M.	Madison	Sabath
De Armond	Kelfer	Norris	Sherman

NOT VOTING—143.

Acheson	Bowers	Cook, Colo.	Flood
Ames	Bradley	Cook, Pa.	Foelker
Andrus	Brodhead	Coudrey	Fornes
Ansberry	Broussard	Cousins	Foss
Anthony	Brundidge	Crawford	Foster, Ind.
Bannon	Burke	Cushman	Foulkrod
Barnhart	Burleigh	Davenport	Fowler
Bartholdt	Calder	Davis	Fuller
Bates	Caldwell	Dawes	Fulton
Beale, Pa.	Cary	Durey	Gardner, Mass.
Bennet, N. Y.	Cockran	Estopinal	Gardner, N. J.
Bennett, Ky.	Conner	Fairchild	Gill

Glass	Knowland	Moon, Pa.	Saunders
Goldfogle	Lafean	Moore, Pa.	Shackelford
Graft	Lamar, Fla.	Mouser	Sherwood
Graham	Lamar, Mo.	Mudd	Slayden
Guernsey	Lamb	Murphy	Small
Hackett	Landis	Nicholls	Spight
Hackney	Langley	Olmsted	Stafford
Hammond	Lassiter	Overstreet	Stanley
Harding	Law	Padgett	Swasey
Haskins	Leake	Patterson	Talbot
Hepburn	Legare	Pearre	Taylor, Ala.
Hill, Miss.	Lenahan	Pollard	Taylor, Ohio
Hinshaw	Lewis	Porter	Thomas, Ohio
Hobson	Lindsay	Pou	Waldo
Howard	Livingston	Pratt	Wanger
Hughes, N. J.	Lorimer	Prince	Washburn
Hull, Iowa	Loud	Pujo	Watkins
Jackson	Loudenslager	Reeder	Weems
James, Addison D.	Lowden	Reid	Weisse
Jenkins	McDermott	Rhinock	Wheeler
Kelher	McGavin	Riordan	Willett
Kimball	McMillan	Roberts	Wolf
Kipp	Malby	Rothermel	Wood
Knopf	Miller	Ryan	

So a second was ordered.

The Clerk announced the following pairs:

For the session:

Mr. BENNET of New York with Mr. FURNES.

Mr. SHERMAN with Mr. RIORDAN.

Mr. McMORRAN with Mr. PUJO.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. STEENERSON with Mr. STANLEY.

Mr. MOON of Pennsylvania with Mr. PU.

Mr. WALDO with Mr. SAUNDERS.

Mr. LAFEAN with Mr. DAVENPORT.

Mr. AMES with Mr. AIKEN.

Mr. FULLER with Mr. LAMAR of Missouri.

Mr. PEARRE with Mr. SMALL.

Mr. TOWNSEND with Mr. STEPHENS of Texas.

Mr. MCGAVIN with Mr. PRATT.

Mr. GARDNER of Michigan with Mr. BARNHART.

Mr. JACKSON with Mr. WOLF.

Mr. CARY with Mr. WEISSE.

Mr. ADDISON D. JAMES with Mr. LEWIS.

Mr. FOULKROD with Mr. OLLIE M. JAMES.

Mr. COOK of Pennsylvania with Mr. FULTON.

Mr. CALDER with Mr. FLOOD.

Mr. BURLEIGH with Mr. ESTOPINAL.

Mr. BURKE with Mr. DE ARMOND.

Mr. BRADLEY with Mr. COCKRAN.

Mr. BEALE of Pennsylvania with Mr. CRAWFORD.

Mr. BATES with Mr. CALDWELL.

Mr. BARTHOLDT with Mr. BRUNDIDGE.

Mr. BANNON with Mr. BRODHEAD.

Mr. ANTHONY with Mr. BROUSSARD.

Mr. ANDRUS with Mr. BOWERS.

Mr. ACHESON with Mr. ANSBERRY.

Mr. FOSS with Mr. HOWARD.

Mr. FAIRCHILD with Mr. HOBSON.

Mr. DUREY with Mr. HAMMOND.

Mr. DAWES with Mr. HACKNEY.

Mr. DAVIS with Mr. HACKETT.

Mr. CUSHMAN with Mr. GOLDFOGLE.

Mr. COUSINS with Mr. GLASS.

Mr. COUDREY with Mr. GILL.

Mr. GRAHAM with Mr. KIMBALL.

Mr. GRAFF with Mr. KELHER.

Mr. FOSTER of Indiana with Mr. HUGHES of New Jersey.

Mr. GUERNSEY with Mr. KIPP.

Mr. LORIMER with Mr. MCDERMOTT.

Mr. LOUD with Mr. NICHOLLS.

Mr. LOUDENSLAGER with Mr. PADGETT.

Mr. LOWDEN with Mr. PATTERSON.

Mr. MCMILLAN with Mr. REID.

Mr. MALBY with Mr. RHINOCK.

Mr. MILLER with Mr. SHACKLEFORD.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD.

Mr. MUDD with Mr. TALBOT.

Mr. OLMSTED with Mr. ROTHERMEL.

Mr. OVERSTREET with Mr. RYAN.

Mr. PRINCE with Mr. SLAYDEN.

Mr. BENNETT of Kentucky with Mr. LIVINGSTON.

Mr. LAW with Mr. LINDSAY.

Mr. KNOWLAND with Mr. HILL of Mississippi.

Mr. JENKINS with Mr. LENAHAN.

Mr. HULL of Iowa with Mr. LEGARE.

Mr. HEPBURN with Mr. LEAKE.

Mr. HASKINS with Mr. LASSITER.

Mr. HARDING with Mr. LAMB.

Mr. TAYLOR of Ohio with Mr. WATKINS.

Mr. SWASEY with Mr. TAYLOR of Alabama.

Mr. ROBERTS with Mr. SPIGHT.

Mr. THOMAS of Ohio with Mr. WILLETT.

Mr. WEEMS with Mr. MURPHY.

The SPEAKER. Upon this vote the yeas are 223, the nays 7, present 12, a quorum. A second is ordered. The Doorkeeper will open the doors. The gentleman from Ohio [Mr. BURTON] is entitled to twenty minutes and the gentleman from Ohio [Mr. KEIFER] to twenty minutes.

Mr. BURTON of Ohio. Mr. Speaker, I reserve my time. If no one cares to discuss this question, I move the previous question—

Mr. KEIFER. Mr. Speaker, I have witnessed the anxiety of the gentleman to keep the floor and say that nobody wished to speak, and now he tries to move the previous question, a thing entirely out of order. It is the second time, but I happened to be in the room this time.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] is recognized for twenty minutes.

Mr. KEIFER. Mr. Speaker, I would like to ask the gentleman from Ohio [Mr. BURTON] whether he intends to use his time all in one speech at the close or whether he has resigned all of his time now. That is the usual courtesy when we have such motions.

Mr. BURTON of Ohio. Mr. Speaker, I regret that my colleague takes such an unhappy view of this situation. I can not answer that question at this time. It depends upon the demands that are made upon me by the House as to what I shall do and what points require answer.

Mr. KEIFER. I supposed I had the right to ask the usual question. That is a courtesy among people here. I now yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I simply wish to call attention to one provision of the bill for a purpose which I will endeavor to make clear. Recently there was introduced into the House, on January 26, a bill authorizing the appointment of a waterways commission. That bill was properly referred, under the rules of the House, to the committee which had jurisdiction of the subject, which was the Committee on Interstate and Foreign Commerce. That bill has been receiving consideration by that committee. In the pending bill before the House is a provision contained providing for the appointment of a waterways commission. It would have been subject to a point of order if the bill had been considered in Committee of the Whole. It was not my purpose to make a point of order upon the provision, but to call attention to the fact that by the usurpation of jurisdiction by the Rivers and Harbors Committee they were not entitled, when it came to the appointment of that commission, to insist that the commission should be appointed from the Committee on Rivers and Harbors. The committee which had jurisdiction of the subject was the Committee on Interstate and Foreign Commerce. An item is reported, as I say, in the river and harbor bill, an item over which the Rivers and Harbors Committee has no jurisdiction, and about which it has no right to report. I insist that, while under no circumstances would I be a member of the commission, the members of the Interstate and Foreign Commerce Committee have an equal right to appointment on the commission with the members of the Committee on Rivers and Harbors; and that the same is true of the Committee on Appropriations, which will have to find the money; and the Committee on Ways and Means, which will have to find a way for raising the money; and I might say the same is equally true of any Member of the House, because, by the usurpation of jurisdiction, the committee obtains no title to the naming of the commission.

And I say this with perfect frankness, knowing well, although the distinguished gentleman now at the head of the Rivers and Harbors Committee is soon to be a great gain to the body at the other end of the Capitol [applause] and a great loss to this, that I assume that if this commission shall be appointed during the life of this Congress, regardless of where his activities shall be in the future, the commission will not lose the benefit of his personality, and that in any event that distinguished gentleman will be a member of that committee. [Applause.] I yield back the balance of my time.

Mr. KEIFER. Mr. Speaker, if the gentleman from Ohio, in charge of the bill, does not wish to consume some of his time, I yield two minutes' time to the gentleman from Indiana [Mr. GILHAMS].

Mr. GILHAMS. Mr. Speaker, I rise at this time to make a statement in order to set my position with this House right. The gentleman from Ohio made the statement that I was trying to retard the progress of the passage of the bill because I failed to get my canal proposition upon this bill. I am sorry to see that he feels that way, and I want to say to the House that my only purpose was to secure time and an opportunity that I might offer an amendment to the bill while it was being

considered, and I am very sorry at this time that the bill has been taken from the Committee of the Whole House and we are undertaking to pass it under suspension of the rules, because this will give me no opportunity to do the thing which I very much desired.

Mr. KEIFER. Mr. Speaker, no other gentlemen now desiring time, I will occupy a little myself. We are all aware that about three months' time has been devoted, as is claimed by the distinguished gentleman from Ohio [Mr. BURTON], in the preparation of this bill. It has come in here late in the session and was only printed last night. It required almost the exclusive attention of that distinguished gentleman and his committee three months to prepare and comprehend it, and he now asks us to-day to be so much wiser than he as to comprehend it inside of two hours, without even being allowed time to read it. That is not all. Under the motion to suspend the rules, it means that the House of Representatives shall vote to pass the bill without its ever being read at the Clerk's desk. We are to know its contents without having read the bill or being allowed to hear it read. The motion to suspend the rules is to pass the bill without its being read. No Member off of that committee, I guess not a single man of this House, has ever read connectedly a single section of the bill—

Mr. MANN. Oh, there are plenty of us who have read it.

Mr. KEIFER. There are not half a dozen in the House outside of the committee who have looked at it until this evening. Now, what does it mean? I remember that during an earlier service of mine in this Congress the country arraigned both parties for passing a river and harbor bill containing an appropriation amounting to \$8,000,000. This is only a survey bill and contemplates expenditures running into many millions and most likely hundreds of millions of dollars. It provides for surveys, much of it at a cost worked out through the War Department, but it proposes in addition to this cost to appropriate for surveys, so far as I have looked at it, over \$9,000,000, to be immediately available. To be more accurate, one of the bills appropriates \$8,185,750; section 2, \$500,000; section 3, \$600,000; and section 13, \$600,000; in all, \$9,885,750. This does not include other smaller sums appropriated nor the \$50,000 appropriated to commence the junket provided for in section 7 of the bill. Some of us wanted an appropriation of \$25,000, and it is said that it is not germane to the bill, but along comes a waterways association and said to the chairman and his committee, "give us a survey to parallel the Atlantic Ocean, running down along the coast from Boston to New York, thence to Baltimore, thence down to the Carolinas, down to St. Augustine or the St. Johns River, Florida, then following down the coast with a maximum depth of canal of 6 feet, as that line seems to be planned, until you reach water that will go out to Key West," and that is germane to this bill and appears in it under the heading, "Intra-Coastal Waterways." That is not all. That is called sometimes an "extra coastal waterway." Then, we get in the bill a so-called "inland waterway" to be surveyed from the Mississippi River through Louisiana and Texas to Bayou Teche and on through Louisiana and Texas to Point Isabel, and thence to the Rio Grande. This is practically to parallel the Gulf of Mexico. That is to be surveyed, as the bill provides, and there are still others of like character.

There is another through or across Florida over to New Orleans and Pensacola Bay along the Gulf of Mexico from St. Georges Sound, Florida, to the Mississippi River, at New Orleans. Another for a "continuous inland waterway across the State of Florida," and still others paralleling sea or ocean navigation. They are along the coast, waterways in each case, with a channel depth of 12 feet. They are deep waterways—ship canals. This whole land, Mr. Speaker, has been alive with interest in inland deep waterways and it has been resounding in oratory in the last year, especially on the importance of deep interior waterways, and this bill contains no provision for even the survey of one such as I have described paralleling salt water somewhere over which navigation is now ample.

What I want, and what the great deep waterway congresses and associations have been demanding, is water transportation through the interior of this country, where the surplus agricultural and manufactured products are produced.

The canal I propose to have built is to connect the waters of the Great Lakes and the Ohio River, and thus link the interior water transportation of the Lakes and the Gulf of Mexico, and this at comparatively small cost.

I have recently—February 2—discussed here at some length the importance, practicability, and necessity for a ship canal over the Miami and Erie Canal from Lake Erie to the Ohio River—Toledo to Cincinnati.

I believe the gentleman [Mr. BURTON of Ohio] in charge of this bill was cheered when he delivered his speech before the great Waterways Congress here, and then he comes in here and

opposes all the plans of that congress, and the plans of associations organized for a like purpose. Some men say we want a waterways commission. For what purpose? Of making suggestions at the end of two or three years? What suggestions? That water may be used for navigation? Why, we supposed we knew that when we were younger than some of us are. Make suggestions? Why? These suggestions came from the Father of his Country long ago, more than one hundred years ago, and Jefferson followed him with the suggestion for the very ship canal that I wanted to test the judgment of the House with reference to its being built. The great governor of New York, De Witt Clinton, paid a visit to Ohio about eighty-five years ago to make an investigation when he was one of the commission that was building the Erie Canal in New York. And he made a report on it, and others, great engineers, have made reports recommending the improvement I advocate. We have had plenty of surveys. We do not want suggestions, especially from a congressional committee proposed to be created by section 7 of this bill.

What we want is plans and specifications if we find these waterways are practicable. We do not want mere surveys. We want inland water transportation; and I have simply asked that this House should be allowed to consider whether or not it would be practicable to connect the waters of the Great Lakes from Lake Erie to the Ohio River by a canal with a depth of water greater than the Welland Canal—14 feet—that now carries ocean vessels to and from the Lakes.

Some man put the question and said: "What do you mean? Do you want only 15 feet of water? Why, a vessel that draws 18 feet will not go through it." I thought that question was a foolish one at first; but I found that they did go through just such canals, and they rushed them right through by the use of lighters, as is daily now done by the Welland and other such canals.

Mr. BOOHER. I would like to ask the gentleman a question, if he will yield.

Mr. KEIFER. Yes.

Mr. BOOHER. If this bill is passed as it now stands, would not the constitutional prohibition deny to any Member of this House the right to take an office such as provided in this bill which is created during his term?

Mr. KEIFER. That ought to; but I suppose it will not. [Great laughter.]

The bill, section 7, I see, expressly makes Members of this Sixtieth Congress eligible for appointment on the commission.

What I mean to say, Mr. Speaker, is that a vessel goes through one of these canals like that about to be constructed across the State of New York, with 12 feet of water, but they have lighters for the purpose and take off a part of the freight when necessary. Part of the cargo is taken off the ship and put upon the lighters, which are then towed by the ship through the canal, and then reloaded on the ship when it can sail off to the lake or to the ocean. It has been done frequently, and that has been the plan for effectively using the majority of the ship canals in this country and in Europe for more than half a century.

But I have said enough to emphasize my opposition to passing a bill of this kind that provides for surveys alone that are to cost much over \$9,000,000. Many of them were surveyed long before my colleague from Ohio was born and long before even I was born myself, and yet we are to have surveys of them over and over again, and a commission of Congressmen to make suggestions to us as to our duty. Otter Creek is to be re-surveyed, I see by the bill. I think it is about the fourteenth time in the history of the country it has been surveyed; but the Miami and Erie Canal is not worthy of it, the gentleman thinks. I ask the question, Is not the improvement of the Miami and Erie Canal of the character of the proposed ship canal—proposed by the bill to have surveyed—to parallel the ocean or the Gulf? If this House could vote upon a proposition as to whether we were to tie together for navigable purposes the waters of the Great Lakes and the Ohio River and the Mississippi and the Gulf, I am certain they would vote to do it if it should be found upon survey to be practicable.

Now, I have said enough and done enough simply to emphasize my opposition to the methods adopted to prevent the possibility of getting a vote at this session of Congress upon a proposition so important, so worthy, and so easy to be tested as to its practicability. The proposition was to expend \$25,000 to make a survey with plans and specifications. The proposition is to spend but a small sum, \$25,000, for this purpose. This is a small sum proposed to be expended for a congressional commission. A bill was introduced a few days since for the purpose of having a waterway commission. It was to expend in the coming three years about \$500,000, which would be sufficient

to survey twenty such propositions as I favor; and then we would know exactly whether they were each practicable. The bill we are now considering may not require that much to be spent. I look upon a waterway commission as a polite way of saying we will have a junket over the country and no deep waterways. I believe this bill allows them to extend the junket to Europe; and then, in the meantime, needed improvements in the United States that should go on must stand still. [Applause.]

Mr. BURTON of Ohio. Mr. Speaker, I have sometimes listened to arguments and attacks even to which I did not think it was necessary to make reply. I have never known so notable an instance in which it was unnecessary to make reply as in the case of my colleague, notwithstanding his magnificent earnestness. [Great laughter.] I ask for a vote.

The question was taken on the motion of Mr. BURTON of Ohio; and on a division (demanded by Mr. KEIFER) there were—ayes 216, noes 17.

Accordingly, two-thirds having voted in the affirmative, the amendments were agreed to, and the bill as amended was passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill (H. R. 28245), and, pending that motion, I ask unanimous consent that all general debate on the bill be closed in ten minutes, five minutes to be controlled by the gentleman from New York [Mr. FITZGERALD] and five minutes by myself.

Mr. SULZER. Mr. Speaker, I hope there will be some time allowed for general debate on this bill.

Mr. GAINES of Tennessee. How many million dollars does the bill propose to appropriate?

Mr. SULZER. There are several gentlemen over here who desire time. We should have at least one hour on a side.

Mr. TAWNEY. I want to say that the time of the session is becoming short. There will be ample opportunity for the consideration and discussion of the various provisions as they are reached in the reading of the bill. This has been the practice for many years in the consideration of the sundry civil bill at the short sessions of Congress. The bill is a large one. General debate that does not pertain to the provisions of the bill will be of no benefit whatever so far as giving the House information is concerned. For that reason I trust that we may close general debate with a short statement, on each side, respecting the general provisions of the bill.

Mr. GAINES of Tennessee. I should like to ask the gentleman how many million dollars this bill proposes to appropriate?

Mr. TAWNEY. A little over \$137,000,000.

Mr. GAINES of Tennessee. How many different subjects are treated by the bill?

Mr. TAWNEY. It is impossible for me to answer. I do not know.

Mr. GAINES of Tennessee. It is impossible for me to give unanimous consent, then, to close debate in ten minutes.

Mr. TAWNEY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, with Mr. WATSON in the chair.

The Clerk read the title of the bill.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, the sundry civil appropriation bill as reported to the House by the Committee on Appropriations carries, in round numbers, \$137,000,000.

This sum is made up by a great variety of items and appropriations. There are, however, three principal appropriations recommended in the bill that equal more than one-half of the total amount that the bill carries. The sum of \$23,000,000 is recommended for continuing the work of constructing the Panama Canal. Nineteen million dollars, in round numbers, is appropriated for carrying on river and harbor work now under contract and previously authorized by law. There is also the sum of \$18,000,000 recommended by this bill for the purpose of carrying on the work of constructing public buildings authorized and now under contract, or authorized and which will be under contract during the next fiscal year.

These three items in the aggregate amount to a little over \$72,000,000 of the \$137,000,000 which the bill carries. The remaining amount is made up of various appropriations of different sizes, which it is not necessary at this time to state in detail.

Every paragraph in the bill carrying an appropriation will be read, and I propose, Mr. Chairman, in the consideration of the bill under the five-minute rule, as has been the custom in the past, to allow most liberal time for consideration of each specific item; and I therefore prefer not to make any further general statement regarding the bill.

Every Member in this House knows that the appropriations carried in the sundry civil bill are expended in every congressional district in the United States and in all our island possessions. It would therefore require a great deal more time than is ordinarily allowed for general debate on appropriation bills to cover the entire bill at this time in a general statement.

I desire also to make this important statement, that the amount carried in the bill is almost \$27,000,000 less than the amount estimated for sundry civil expenditures.

I will yield to the gentleman from New York ten minutes.

Mr. FITZGERALD. I would like, Mr. Chairman, to be recognized in my own right. I suggest that the gentleman from Minnesota let me be recognized in my own right. It will not affect what the gentleman wants to accomplish. I have had but one request for time on this side. One gentleman desires an hour on Monday. He is unable to proceed to-day. No one else has made any request for time in general debate. In what I shall say I can complete my remarks in five or ten minutes.

It would be very desirable if the gentleman from Minnesota would either arrange that an hour could be had on Monday, or give assurance that when he brings in the general deficiency bill the gentleman from Illinois [Mr. RAINEY] will be assured of one hour's time in general debate.

Mr. TAWNEY. Mr. Chairman, I will say that it will be impossible to give positive assurance as to how much time will be devoted to general debate on the general deficiency bill. The bill has not been prepared yet, although the subcommittee expects to get to work on it to-morrow, and have it completed in season to follow the sundry civil, if possible. There are a great many conference reports that will have to be considered during the two remaining days of the session. There has but one appropriation bill passed both Houses, and become a law, and that is the urgent deficiency bill. Therefore, all of the regular twelve appropriation bills must either pass one House or the other, and be agreed to in conference, and the conference reports be agreed to. It will therefore be manifest to every Member of the House, that I can not at this time give assurance for time.

If there is an opportunity for general debate on the general deficiency bill, I shall have no objection to granting one hour's time on each side. I have had no request for general debate on this side on this bill. In view of the importance of the bill, the great variety of subjects that it covers, and the aggregate amount of appropriations, I insist on getting it to the other side of the legislative department of the Government as soon as possible, that they may consider it there. I hope we can get along without any general debate. I can only make the statement to the gentleman from New York that if there is opportunity for general debate on the general deficiency bill, I shall have no objection to allowing an hour on each side. I speak of the vast amount of business that the House has to consider and pass upon before the close of the session, which may possibly cut off any opportunity for general debate hereafter.

Mr. FITZGERALD. Of course the condition is somewhat different now than it would be at a session of Congress similar to this. We will convene again on the 15th of March, and there is no pressing necessity to hurry the disposition of the appropriation bills in order to have them passed before the 4th of March. It would be much better to take ample time to consider them thoroughly and properly, even if it necessitates the use of some of the time that will surely hang on our hands during the next session. The position that the gentleman from Illinois [Mr. RAINEY] is in is so peculiar that I had hoped that the suggestion that he use time would come from that side of the House instead of him asking for time. He made a speech here, which I do not characterize in any way; but a number of gentlemen on that side of the House have since felt called upon to speak as the result of the speech of the gentleman from Illinois. They have all asked, or insisted, or demanded, that he make another speech. I am simply asking now that an arrangement be made that will give him an opportunity to make the speech that has been insisted upon by the Members on that side of the House. Whatever the little inconvenience to which it might put the House, I am sure that that side of the House will do everything possible to permit him to do that which they have been insisting that he should do.

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman from New York [Mr. FITZGERALD] that his intimation that there will be plenty of time for the consideration of appropriation bills in the extra session of Congress to be called, applies with greater force to the time that will be available to the gentleman from Illinois [Mr. RAINEY] in which to make his speech, rather than to have us delay public business now for that purpose.

Mr. FITZGERALD. Mr. Chairman, I think not, for this reason: Some one has intimated to me that some things stated by the gentleman referred in some way to the present Executive. I wish to say that so far as I am concerned any criticism of the present Executive which I have to make I desire to make before he leaves office, and everybody on this side of the House has the same desire, whatever may be the disposition on that side of the House. For that reason I hope that if the gentleman from Illinois [Mr. RAINEY] has anything to say that may be considered or construed as a criticism of the present occupant of the White House, in justice to all parties, he be given the opportunity before the expiration of this session of Congress. Perhaps the gentleman will agree to permit the gentleman from Illinois to occupy an hour on Monday.

Mr. TAWNEY. I will say to the gentleman from New York that my understanding is that the gentleman from Illinois has already occupied between two and three hours on the same subject on which he again desires to address the House.

Mr. FITZGERALD. I so understand; but it is a subject that is almost inexhaustible, and he could well occupy much more time on the same subject with benefit to the country.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

Mr. FITZGERALD. Oh, I hope the gentleman will not do that. I want to say a few words on the bill.

Mr. TAWNEY. I understood the gentleman to say that he did not desire to say anything on the bill at this time.

Mr. FITZGERALD. I said "a few words."

Mr. TAWNEY. I yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, it is impossible in any reasonable time to make any review of the provisions of this bill. They cover every department of the Government and every conceivable subject for which money is appropriated for the Government. There are many items in the bill which will properly be discussed and debated in the House and some of them which will justify criticisms of the methods of the present administration. In my judgment it will be more conducive to the proper disposition of these subjects to reserve what may be said until the various items are reached. Some of these items will not be agreed to, in my judgment, with the consent of the great majority of this side of the House. I simply wish this side of the House to know that there are many matters in the bill impossible to discuss now in the few moments given by the gentleman from Minnesota, although I should be pleased to do so could I have the time. I, however, hope to give to the committee, and particularly to the Members on this side of the House, such information as will enable them to vote intelligently on the various items as they are reached in the consideration of the bill.

If the gentleman from Minnesota will not permit any further time of course we are powerless, but I do hope that after further reflection he will consent to permit this discussion, which his own side has been so insistent should be continued, to be completed as early as possible, by allowing it to proceed on Monday.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

Mr. TAWNEY. Mr. Speaker, in view of the appeal of the gentleman from New York [Mr. FITZGERALD] I ask unanimous consent that general debate on the sundry civil bill be closed in two hours, one hour to be under the control of the gentleman from New York and one hour under the control of myself.

The SPEAKER. Is there objection?

There was no objection.

CIVIL GOVERNMENT, PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be, and hereby are, authorized to cancel their signatures to the enrolled bill H. R. 25155, "An act to amend an act approved July

1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and that the said bill be reenrolled with the insertion of the words "third paragraph of the" after the words "That the," in the first line after the enacting words of said bill.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I would like to know what this does.

Mr. COOPER of Wisconsin. There was a mistake made in this bill. Section 7 of the organic act of July 1, 1902, contained four or five paragraphs. This bill was intended to amend only paragraph 3 of that section, but the words "third paragraph of the" were omitted, and therefore, if the bill were enacted in that form, it would in effect repeal all of that section except paragraph 3. It was a mistake, that is all, and this resolution carries out what was intended by the original bill when it was passed.

Mr. GARRETT. This resolution simply causes the act to be enrolled as it passed?

Mr. COOPER of Wisconsin. It causes it to be reenrolled so that it will amend paragraph 3, and thus carry out the intent of the bill.

Mr. GARRETT. Was that a mistake made in the enrolling room or a mistake made in the bill as it passed?

Mr. COOPER of Wisconsin. It was a mistake in the bill as it passed.

Mr. GARRETT. And not in the enrolling room.

Mr. COOPER of Wisconsin. And not in the enrolling room. This is a concurrent resolution and was drawn after consultation with the Speaker's clerk, Mr. Hinds; in fact he drew the resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

So the resolution was agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 17303. An act authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.;

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia;

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;"

H. R. 19762. An act to reimburse the postmaster at Sandborn, Ind.;

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes;

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE., from its present terminus near Fortieth street SE., to Bowen road;

H. R. 17171. An act for the relief of Benjamin F. Curry;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road;

H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;

H. R. 4307. An act for the relief of E. J. Reed;

H. R. 3844. An act for the relief of E. L. Simpson;

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 23767. An act to incorporate the Imperial Palace Dramatic Order Knights of Khorassan;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 17960. An act for the relief of Marcellus Butler;

H. R. 2635. An act for the relief of Herman Lehmann;

H. R. 22340. An act relating to injured employees on the Isthmian Canal;

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois;

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.;

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes;

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;"

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 27894. An act amending "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906;

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 26516. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered;

H. R. 13712. An act for the relief of the legal representatives of Sarah J. Montgomery, deceased;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico;

H. R. 21167. An act to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary;

H. R. 25396. An act for relief of applicants for mineral surveys;

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement;

H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.;

H. J. Res. 219. To accept the gift of Constitution Island, in the Hudson River, New York; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9348. An act to reimburse Frank Wyman, postmaster at St. Louis, Mo., for embezzlement of money-order funds by clerk at said post-office—to the Committee on Claims.

S. 9402. An act for the relief of John H. Layne—to the Committee on Military Affairs.

S. 8654. An act for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.—to the Committee on the Public Lands.

S. 8424. An act for the relief of the owners of lighter No. 128—to the Committee on Claims.

S. 5092. An act to remove the charge of desertion against the military record of James A. Windsor—to the Committee on Military Affairs.

S. R. 138. Joint resolution to provide for the printing of 25,000 copies of a portion of the report of the National Conservation Commission—to the Committee on Printing.

Senate concurrent resolution 101.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of the Arkansas River between Little Rock and Dardanelle with a view to ascertaining if said part of said river is susceptible of being made available for purposes of navigation during the entire year; and if found capable of being made so available, then to report an estimate of the cost of improving such part of said river by the construction of locks and dams, or otherwise, as well as to report an estimate of the probable tonnage that will seek transportation thereon in the event the same were so improved—

to the Committee on Rivers and Harbors.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now take a recess until five minutes to 12 to-morrow, or 11.55.

Mr. FITZGERALD. Mr. Speaker, is not to-morrow set aside for eulogies?

Mr. TAWNEY. Yes.

The SPEAKER. It is a legislative day and we could recess until to-morrow.

Mr. FITZGERALD. But if we recess the legislative day of to-morrow will not be Sunday.

The SPEAKER. We can make Sunday a legislative day, as the House has already done by unanimous consent, and we can recess until 11.55.

Mr. CLARK of Missouri. Mr. Speaker, I would like to make a parliamentary inquiry. If we take this recess, to what hour would it be?

The SPEAKER. To 11.55.

Mr. CLARK of Missouri. I thought it was 2 o'clock when we were to have these eulogies.

Mr. MANN. One order is set for 2 o'clock and one order for 12 o'clock.

Mr. CLARK of Missouri. The question I want to ask is this: When we meet tomorrow morning, without any limitation being put on the House, can not it enter into any kind of legislation that it wants to?

Mr. KEIFER. They do not do that.

Mr. CLARK of Missouri. How do you know?

The SPEAKER. The Chair will read the order:

On motion of Mr. CLAYTON, by unanimous consent, ordered that there be a session of the House at 12 m. Sunday, February 21, for the delivery of eulogies on the life, character, and public services of the late Mr. WILEY.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry. Unless the House adjourn before 12 o'clock to-morrow, could that be done under that order?

The SPEAKER. How is that?

Mr. SHERLEY. Unless to-morrow the House adjourn at the expiration of this recess that is now suggested by the gentleman from Minnesota, could the House operate under the order read by the Chair?

The SPEAKER. It could meet under a recess clearly—

Mr. SHERLEY. Could it? We will not be meeting on Sunday; we will be meeting on the legislative day of last Monday.

Mr. TAWNEY. Mr. Speaker, pending the motion I will ask unanimous consent that nothing be considered to-morrow except eulogies and a motion to take a recess until the following day.

Mr. KIMBALL. Mr. Speaker, I shall have to object.

Mr. TAWNEY. Then, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Pending that motion the Chair will designate Representative SMITH of Iowa to act as Speaker pro tempore to-morrow.

The motion to adjourn was agreed to; and accordingly (at 5 o'clock and 58 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for satisfaction of judgment in the case of Jordan against The United States (H. Doc. No. 1468)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for deficiencies (H. Doc. No. 1469)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting estimates of appropriations needed to satisfy the requirements of certain private acts (H. Doc. No. 1470)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 26825) to extend a street from Nineteenth street NW., near U street, westward to Columbia road, reported the same with amendments, accompanied by a report (No. 2211), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 27369) to amend an act approved August 15, 1894, an agreement with the Alsea and other Indians on the Siletz Indian Reservation in Oregon, reported the same with amendments, accompanied by a report (No. 2213), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 28103) to amend an act entitled "An act for the widening of Benning road, and for other purposes," approved May 16, 1908, reported the same without amendment, accompanied by a report (No. 2214), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MCCALL, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 260) to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes, reported the same without amendment, accompanied by a report (No. 2215), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 28190) to provide for the sale of isolated tracts of public land in Imperial County, Cal., reported the same without amendment, accompanied by a report (No. 2218), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the resolution of the House (H. Res. 445) requesting certain information from the Commissioners of the District of Columbia relative to the police department, reported the same without amendment, accompanied by a report (No. 2210), which said resolution and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia, reported the same with amendment, accompanied by a report (No. 2212), which said joint resolution and report were referred to the House Calendar.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 8554) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes, reported the same without amendment, accompanied by a report (No. 2216), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia, reported the same without amendment, accompanied by a report (No. 2207), which said bill and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8822) providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho, reported the same without amendment, accompanied by a report (No. 2208), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Arizona, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 27889) granting certain land to the town of Yuma, in the Ter-

ritory of Arizona, reported the same without amendment, accompanied by a report (No. 2209), which said bill and report were referred to the Private Calendar.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8555) to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr., reported the same without amendment, accompanied by a report (No. 2217), which said bill and report were referred to the Private Calendar.

Mr. HACKNEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 28226) to authorize the cancellation of trust patents in certain cases, reported the same without amendment, accompanied by a report (No. 2219), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 25300) for the relief of Theodore Bruener—Committee on the Public Lands discharged, and referred to the Committee on Claims.

A bill (H. R. 8694) granting a pension to Gustave Kipper—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HINSHAW (by request): A bill (H. R. 28261) regulating the payment of commutation money to soldiers—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 28262) extending the provisions of the act approved March 10, 1908, entitled "An act granting to A. J. Smith and his associates, their successors and assigns, authority to construct, maintain, and operate a dam across the Choctawhatchee River about one-eighth of a mile below or west of the bridge across said river on the road known as the Newton and Ozark public road, in Dale County, in the State of Alabama, in accordance with the provisions of the act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906.

By Mr. HOWELL of Utah: Memorial of the legislature of Utah, asking an appropriation of 3,000,000 acres of arid lands, etc.—to the Committee on the Public Lands.

By Mr. CANNON: Memorial of the legislature of Wisconsin, protesting against legislation to abolish the pension agencies—to the Committee on Appropriations.

Also, memorial of the legislature of Arizona, praying for an investigation of a certain contract between the Government and the Pacific Gas and Electric Company, of Phoenix, Ariz.—to the Committee on the Territories.

Also, memorial of the legislature of Arizona, praying for an appropriation to liquidate and pay for certain bonds of Pima County, Ariz.—to the Committee on the Territories.

Also, memorial of the legislature of Arizona, praying for an appropriation for the restoration of the San Xavier Mission building, in Pima County, Ariz.—to the Committee on the Territories.

Also, memorial of the legislature of Idaho, praying for legislation for the relief of certain settlers on the Minidoka tract, in Idaho—to the Committee on Irrigation of Arid Lands.

By Mr. MARTIN: Memorial of the legislature of South Dakota, requesting Congress to call a convention for the purpose of amending the Constitution of the United States in relation to polygamy, etc.—to the Committee on the Judiciary.

Also, memorial of the legislature of South Dakota, requesting Congress to make Fort Meade, S. Dak., a brigade post, etc.—to the Committee on Military Affairs.

By Mr. MONDELL: Memorial of the legislature of Wyoming, urging Congress to pass a law creating a roll to be known as "the civil war officers' annuity honor roll"—to the Committee on Military Affairs.

Also, memorial of the legislature of Wyoming, relating to the land laws of the United States—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming, requesting Congress to grant to the State of Wyoming certain lands for the winter refuge of game—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 28263) granting a pension to Iva Sexton—to the Committee on Pensions.

By Mr. COLE: A bill (H. R. 28264) granting an increase of pension to John C. F. Martin—to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 28265) granting a pension to Thomas B. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28266) granting a pension to John Steely—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 28267) granting a pension to Leudora Getchell—to the Committee on Invalid Pensions.

By Mr. GILESPIE: A bill (H. R. 28268) to remove the charge of desertion from the military record of George M. Thomas—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 28269) for the relief of Elizabeth Reilly—to the Committee on Claims.

Also, a bill (H. R. 28270) for the relief of Theodore Schroeter—to the Committee on Appropriations.

By Mr. HAWLEY: A bill (H. R. 28271) granting an increase of pension to Joseph Gaunau—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 28272) for the relief of William H. Nolcini—to the Committee on War Claims.

Also, a bill (H. R. 28273) for the relief of Joseph E. Lindsey, surviving partner of John Lindsey & Son—to the Committee on War Claims.

Also, a bill (H. R. 28274) to correct the military record of W. J. May—to the Committee on Military Affairs.

By Mr. MORSE: A bill (H. R. 28275) for the relief of Huldah Powell, widow of S. Benton Powell, deceased—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 28276) for the relief of George M. Smith, of New Market, Md.—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 28277) granting an honorable discharge to Green B. Gibson—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 28278) for the relief of heirs or estate of Lemuel I. Capell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 28279) for the relief of the heirs or estate of Joel L. Ingram, deceased—to the Committee on War Claims.

By Mr. STAFFORD: A bill (H. R. 28280) granting an increase of pension to Friedrich Backhaus—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 28281) granting an increase of pension to Edward K. Chapman—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 28282) granting an increase of pension to Joseph A. Bunch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28283) granting an increase of pension to Richard M. Ward—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 28284) granting an increase of pension to William B. Banks—to the Committee on Pensions.

By Mr. SULZER: Resolution (H. Res. 578) to pay to Edward J. Cantwell, administrator, a certain sum of money—to the Committee on Accounts.

By Mr. CAPRON: Resolution (H. Res. 579) to pay Michael A. Rattigan a certain sum of money—to the Committee on Accounts.

By Mr. BROWNLOW: Resolution (H. Res. 580) providing for the printing of first and second inaugural addresses of the late President Abraham Lincoln, etc.—to the Committee on Printing.

By Mr. FOSTER of Vermont: Resolution (H. Res. 581) relating to the pay of clerks to certain committees—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorials of the Merchants' Review Company, of Chicago, Ill.; Charles Meyer and 7 others, of Gilman, Ill.; H. G. Moore & Co. and 4 other firms and individuals, of Ashkum, Ill.; C. J. Linden and 20 other firms and individuals, of Kankakee, Ill.; Jensen Madison and 6 others, of Clifton, Ill.; Edward Metzler and 5 others, of Mansfield, Ill.; George Warrick and 6 others, of Sheldon, Ill.; Warden & Hazard and 6 others, of Momence, Ill.; Patrick Murphy and 7 others, of Chebanse, Ill.; Riggs & McClane and 5 others, of Buckley, Ill.; Charles Classen and 6 others, of Danforth, Ill.; P. H. Orth and 14 others; and Edward S. Pendexter and 19 others, protesting

against the establishment of a parcels post and also in favor of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, memorials of William B. Plant and eight others, of Philadelphia; of the Southwestern Union Conference of the Seventh Day Adventists; of the Ohio Seventh Day Adventist Conference; and of the Lake Union Conference of the Seventh Day Adventists, protesting against the passage of the bill for the proper observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, memorial of James A. Rundle and 13 others, of Sussex County, N. J., praying for the establishment of a national highways commission—to the Committee on Agriculture.

Also, memorial of Black Lick Grange, of Pennsylvania, praying for the establishment of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Otto Kuehne Preserving Company, of Topeka, Kans., praying for the reduction of the duty on sugar—to the Committee on Ways and Means.

Also, memorial of the legislative assembly of New Mexico, praying for an amendment to the irrigation law—to the Committee on Irrigation of Arid Lands.

Also, memorial of I. D. O'Donnell and 19 others and J. F. Seavy and 19 others, all citizens of the United States, praying for federal aid in road construction—to the Committee on Agriculture.

Also, memorial of S. J. H. Trine, of Union City, Ind., protesting against the extradition of 3 citizens of Mexico incarcerated in the Los Angeles jail—to the Committee on Foreign Affairs.

Also, memorial of the American Association for the Advancement of Science, praying for legislation to increase the scope and importance of the United States Bureau of Education—to the Committee on Education.

Also, memorial of the Williamsburg (Ohio) Council, Order United American Mechanics, and Bushnell Council, of the same order, of Springfield, Ohio, praying for an act to prohibit the immigration of Asiatics—to the Committee on Foreign Affairs.

Also, memorial of John M. Gudvangen and 3 others, of Cilmann, Minn., praying for the removal of the tax on stills—to the Committee on Ways and Means.

Also, memorial of the Standard Extract Company and other corporations, firms, and individuals of the United States, praying for the removal of the duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of citizens of Middleton, N. Y., favoring passage of H. R. 24148, for creation of child-labor bureau—to the Committee on Expenditures in the Interior Department.

By Mr. BURGESS: Petition of citizens of Goliad County, Tex., against extradition of Magon, Villarreal, and Rivera—to the Committee on Foreign Affairs.

Also, petition of citizens of Bee County, Tex., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of Augusta (Me.) Lodge, No. 964, Benevolent and Protective Order of Elks, of Plainfield, N. J., for an American elk reservation in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. BURNETT: Paper to accompany bill for relief of Nancy L. Kirby (H. R. 15818)—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of the Board of Trade of Jacksonville, Fla., against removal of duty on lumber—to the Committee on Ways and Means.

Also, petition of the National Shoe Wholesale Association of the United States, for repeal of duty on hides—to the Committee on Ways and Means.

Also, petition of the C. B. Van Deman Company, candy manufacturers and wholesale grocers, of Jacksonville, Fla., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Board of Trade of Jacksonville, Fla., for an increase in the salaries of the circuit and district court judges of the United States—to the Committee on the Judiciary.

Also, petition of the Jacksonville (Fla.) Board of Trade, favoring the Davis bill (H. R. 18204), to provide an appropriation for agricultural and industrial instruction in secondary schools, for normal instruction in agricultural and industrial subjects in normal schools, and for branch agricultural experiment stations, and regulating the expenditure thereof—to the Committee on Agriculture.

Also, petition of Gainesville (Fla.) Lodge, No. 990, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming (H. R. 21980)—to the Committee on Agriculture.

By Mr. COOK of Pennsylvania: Petition of Chamber of Commerce of Pittsburgh, favoring appropriation of not less than

\$50,000,000 per annum for inland waterway improvement—to the Committee on Rivers and Harbors.

By Mr. COOK of Colorado: Petitions of E. W. Plympton and many others, of Salada; the Methodist Episcopal Church of Pueblo, 150 members voting; the Presbyterian Church of Pueblo, 539 members voting (no negative votes); Mrs. Myra B. King, of Pueblo, president of Central Woman's Christian Temperance Union; the First Baptist Church of Pueblo, 450 members voting; Ethelyn B. King, of Pueblo, president of Stevens Young Woman's Christian Temperance Union, 8 members voting; the Central Christian Church, of Pueblo, 450 members voting; and the Merritt Memorial Episcopal Church, of Denver, all in the State of Colorado, favoring the Littlefield-Bacon bill and other measures promotive of temperance—to the Committee on the Judiciary.

By Mr. DIXON: Petition of Sylvester Yunker and others, favoring parcels-post and postal savings bank legislation (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grange Lodge, of Hartsville, Ind.; Eagle Spring Grange, No. 1510, of Jefferson County, Ind.; and Aurora (Ind.) Grange, favoring a national highways commission—to the Committee on Agriculture.

Also, petition of Edward Long and 15 other citizens of North Vernon, Ind., against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. ELLIS of Oregon: Petition of Edward Coles and 27 others, of Haines, Oreg., favoring removal of duty from jute grain bags and the burlap cloth from which bags are made—to the Committee on Ways and Means.

Also, petition of Fred Reid and 33 others, favoring a national highways commission—to the Committee on Agriculture.

By Mr. ESCH: Petition of the Trade League of Philadelphia, favoring such amendment of the interstate-commerce act as will protect interest of shippers from damage arising from misquotation of freight rates by carriers—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. C. Maher and other citizens of Augusta, Wis., against removal of duty on farm products—to the Committee on Ways and Means.

Also, petition of Ida J. Taylor and other citizens of Sparta, Wis., favoring amendment to the Constitution enabling women to vote—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petition of A. T. Clark and other citizens of Vermont, favoring parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. C. Mason and other citizens of Vermont, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. FRENCH: Petitions of G. W. Williams, for citizens of Midvale; G. H. Shearer, for citizens of Ontario; G. G. Haley, for citizens of Payette; Mary C. McDowell, for citizens of Star; and citizens of Indian Valley, all in the State of Idaho, to subject liquor shipped from one State to another to the law of the State into which it is shipped—to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Newberry Library of Chicago, against increase of duty on books and other printed matter or to remove from the free list any class of books now included thereon—to the Committee on Ways and Means.

Also, petition of D. J. Stewart & Co., for reduction of duty on oilcloth and linoleum—to the Committee on Ways and Means.

By Mr. GARRETT: Paper to accompany bill for relief of Lindora Getchell—to the Committee on Invalid Pensions.

By Mr. GREENE: Petition of Samuel W. Case and others, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. GRONNA: Petition of citizens of Gardar, N. Dak., against import duties on tea and coffee—to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of citizens of Allegan County, Mich., for regulation of interstate commerce in intoxicating liquors and opium—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Petition of the R. L. Hunter Dry Goods Company and others, of Augusta, Ga., against increase of duty on kid gloves—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of S. A. Holden and 13 others, of South Windham, Vt., against Sunday-closing bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. HAYES: Petition of the Abraham Lincoln Council, No. 2, Junior Order United American Mechanics, of San Francisco, Cal., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of San Jose (Cal.) Lodge, No. 522, Benevolent and Protective Order of Elks, asking for the creation of a reserve in the State of Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. HOWELL of Utah: Petition of Provo Lodge, No. 849, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Daniel Main (H. R. 16027)—to the Committee on Military Affairs.

By Mr. KAHN: Petition of San Francisco Lodge, No. 38, Benevolent and Protective Order of Elks, favoring a reservation for the American elk and appropriation of \$30,000 therefor (H. R. 21980)—to the Committee on the Public Lands.

By Mr. KNOWLAND: Petition of the Chamber of Commerce of San Francisco, Cal., to provide for transportation in American vessels of material for use of Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDBERGH: Petition of citizens of French Lake, Minn., against a duty on teas and coffees—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of residents of Mullica, Hill, N. J., for an amendment to the Constitution permitting women to vote—to the Committee on the Judiciary.

By Mr. LOWDEN: Petition of the National Business League of America, favoring the appointment of a tariff commission—to the Committee on Ways and Means.

Also, petition of industrial and commercial organizations, favoring S. 7804 and H. R. 22883, for a complete system of examinations in the consular service—to the Committee on Foreign Affairs.

By Mr. MCKINNEY: Papers in support of H. R. 23976—to the Committee on Rivers and Harbors.

By Mr. NYE: Petition of the Minneapolis Retail Grocers' Association, favoring passage of Senate bill 1570—to the Committee on the Judiciary.

By Mr. ROBINSON: Petition of J. W. Strenger and others and the Wisconsin and Arkansas Lumber Company, favoring retention of present duty on lumber—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of W. C. Whitthorne—to the Committee on Pensions.

By Mr. RYAN: Petition of the Chamber of Commerce of Pittsburg, Pa., for an annual appropriation of \$50,000,000, at least, for internal improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of George J. Metzger and 38 other members of the Buffalo Chapter of the American Institute of Architects, favoring the Newlands bill (for Lincoln memorial)—to the Committee on the Library.

By Mr. SIMS: Paper to accompany bill for relief of heirs of Thomas Warfield—to the Committee on War Claims.

By Mr. SPIGHT: Paper to accompany bill for relief of estate of Joel L. Ingram—to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of Wichita Falls (Tex.) Lodge, No. 1105, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

Also, petition of Denton (Tex.) Lodge, No. 807, Benevolent and Protective Order of Elks, favoring a reservation for the American elk and appropriation of \$30,000 therefor (H. R. 21980)—to the Committee on the Public Lands.

By Mr. SULZER: Petition of the Roessler & Hasslacher Chemical Company, favoring an appropriation of \$25,000 in the interest of the clay-testing department of the Geological Survey, under consideration in the pending sundry civil bill—to the Committee on Appropriations.

Also, petition of Albert E. Henschel, for appropriation to promote the commerce of the port and State of New York—to the Committee on Rivers and Harbors.

Also, petition of the Star Egg Carrier and Tray Manufacturing Company, favoring H. R. 21929—to the Committee on the Judiciary.

By Mr. SWASEY: Paper to accompany bill for relief of Edward D. Chapman—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: Petition of Greenville (Ohio) Lodge of Elks, favoring a reserve for the American elk in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. WILEY: Petition of Troy (Ala.) Lodge, No. 929, Benevolent and Protective Order of Elks, favoring an American elk reservation (H. R. 21980)—to the Committee on the Public Lands.

Also, petition of W. C. Randolph and others, against any reduction of the duty on lumber—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SUNDAY, February 21, 1909.

The House met at 12 o'clock m., and was called to order by Mr. SMITH of Iowa, as Speaker pro tempore.

The following prayer was offered by the Chaplain, Rev. Henry N. Couden, D. D.:

Almighty God, our Heavenly Father, in whom we live and move and have our being; we would pour out the oblations of our hearts in gratitude and praise to Thee, the dispenser of all good gifts, and hallow Thy name in a faithful and unselfish devotion to Thee and our fellow-men, and thus prove ourselves worthy of all the gifts Thou hast bestowed upon us. We thank Thee for that spirit down deep in the hearts of men which recognizes and appreciates the nobility of soul in their fellows, which displays itself in a faithful service to the public weal, for this special service to-day, sacred to the memory of men who have conspicuously served their country in the Congress of the United States, and passed on to their reward. Grant, oh most merciful Father, that their example may serve as beacon lights to guide us and those who shall come after us to high and noble living. Comfort the friends, colleagues, and families of the departed, and help them to look forward with bright anticipations to that larger life beyond the grave, where there shall be no more parting, and where God shall wipe all tears from all faces, and where peace and happiness shall reign forever. In Jesus Christ, our Lord. Amen.

The Journal of Monday, February 15, was read and approved.

DEATH OF HON. DANIEL L. D. GRANGER.

Mr. CAPRON. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the resolutions, which I send to the Clerk's desk, in regard to the death of my recent colleague, Hon. DANIEL L. D. GRANGER.

The resolutions were read, as follows:

House resolution 582.

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CAPRON. Mr. Speaker, upon the passage of the resolutions, in view of the fact that the present Congress is so near its close and Members can not have an opportunity for a special occasion, I will ask unanimous consent that Members desiring to do so may have leave to print remarks in the RECORD on the life, character, and public services of Mr. GRANGER during the remainder of the present session.

The SPEAKER pro tempore. The gentleman from Rhode Island asks unanimous consent that Members may have leave to print remarks with reference to the life, character, and public services of the late Mr. GRANGER during the remainder of the session. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolutions were unanimously agreed to.

EULOGIES ON HON. ARIOSTO A. WILEY.

The SPEAKER pro tempore. This hour has been set apart for exercises in memory of the life, character, and public services of the Hon. ARIOSTO A. WILEY, and the Clerk will read the special order.

The Clerk read as follows:

Ordered, That there be a session of the House at 12 m. Sunday, February 21, for the delivery of eulogies on the life, character, and public services of the Hon. ARIOSTO A. WILEY, late a Member of this House from Alabama.

Mr. CLAYTON. Mr. Speaker, I move the adoption of the resolutions which I send to the Clerk's desk to be read.

The Clerk read as follows:

House resolution 583.

Resolved, That the House has heard with profound sorrow of the death of Hon. ARIOSTO A. WILEY, late a Member of this House from the State of Alabama, which occurred at Hot Springs, Va., June 17, 1908.

Resolved, That the business of the House is now suspended that opportunity may be given to pay tribute to his memory.

Resolved, That as a particular mark of respect to the deceased, and in recognition of his distinguished public service, the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.